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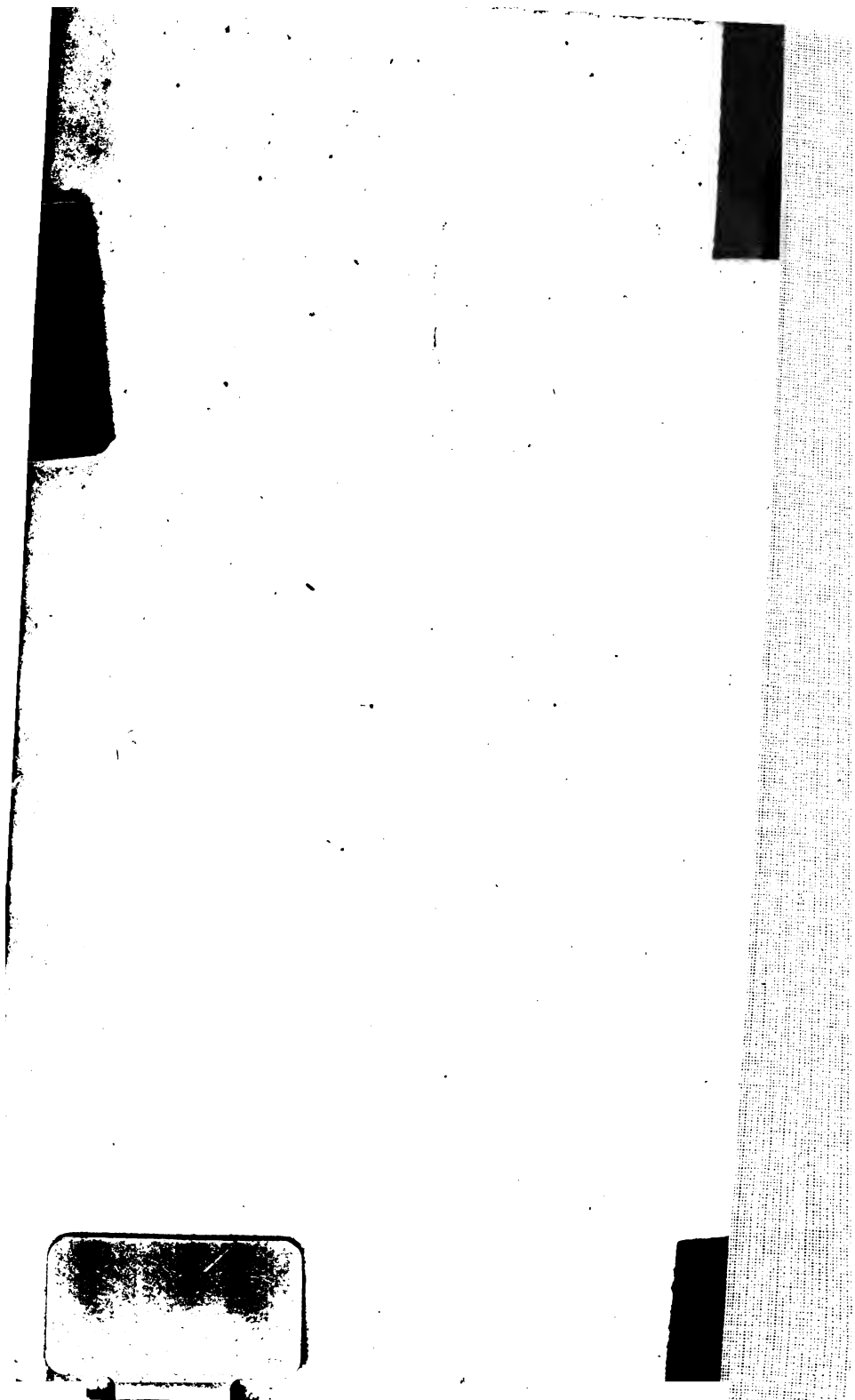
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ACTS

PASSED AT THE FIRST SESSION

OF THE

FORTIETH GENERAL ASSEMBLY

FOR

THE COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT,

On Monday the 7th day of November, in the year 1831, and of the Commonwealth the fortieth.

THOMAS METCALFE, GOVERNOR.

PUBLISHED BY AUTHORITY.

FRANKFORT, KY.

Albert G. Hodges....Public Printer....Office on Main-street.

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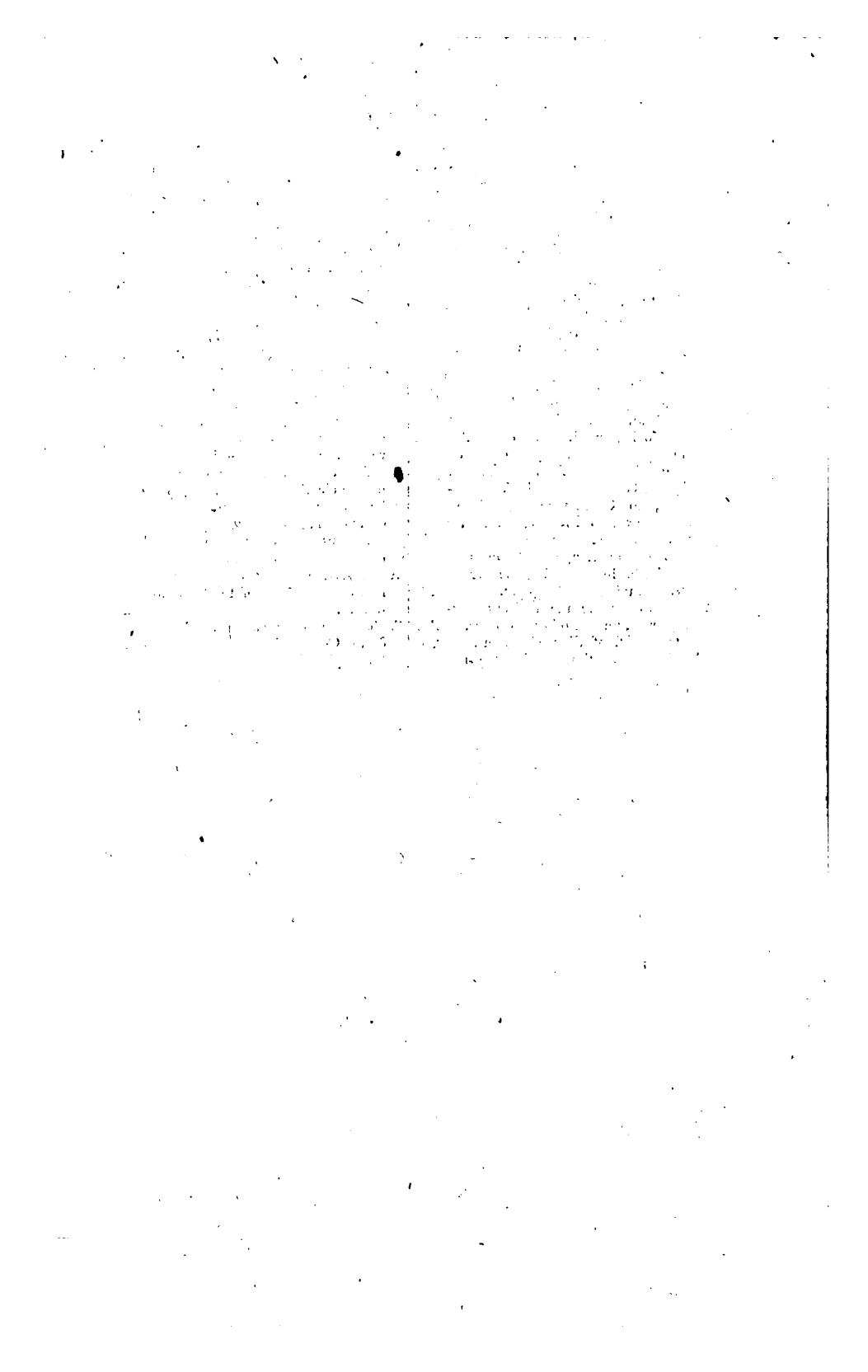
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ACTS
OF
THE GENERAL ASSEMBLY
OF THE
COMMONWEALTH OF KENTUCKY.

CHAP. DLXXVI.

AN ACT to allow additional terms to the Grant county court.

Approved, November 9, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, it shall be lawful for the county court of Grant to hold terms of said court on the second Mondays in May, August, and November, in addition to the present terms allowed by law.

Terms allowed
in May, Au-
gust and No-
vember annual-
ly.

CHAP. DLXXVII.

AN ACT allowing an additional term to the county court of Henry county.

Approved, November 10, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Henry county is hereby authorized to hold an additional term on the second Monday in the present month, (November); and in each and every year thereafter said court shall be holden on the first Monday in each month.

CHAP. DLXXVIII.

AN ACT to authorize the publishing of advertisements in the Mountsterling Herald and Lancaster Journal.

Approved, November 10, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all advertisements required by law to be made in any authorized news-

1831.

paper, may be legally published in the "Mountsterling Herald" and "Lancaster Journal," except such advertisements as are, by law, directed to be published exclusively in the paper of the public printer.

CHAP. DLXXIX.

AN ACT to provide for the appointment of trustees to the Stanford and Rockcastle Seminaries, and for other purposes.

Approved, November 15, 1831.

Trustees appointed to Stanford Seminary.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William Craig, Peter G. Camden, Thomas Helm, Joseph Paxton, John Kincaid, Francis S. Read, David Shanks, Michael Davidson, and Logan Hunton, be, and are hereby appointed trustees of the Stanford seminary, in Lincoln county, a majority of whom shall constitute a board to do business.

Authorized to sell their donation lands.

SEC. 2. That said trustees shall be invested with full power to sell any lands which may have been appropriated for the benefit of said seminary, and to do any other acts for the benefit of said seminary, which might have been done by the trustees originally appointed to said seminary.

Trustees for the town of Monticello may be annually elected by the citizens.

SEC. 3. *Be it further enacted,* That it shall be lawful for the citizens of Monticello to elect trustees for said town, on the first Saturday in February next, under the same rules and regulations as now prescribed by the various acts of Assembly, made and enacted for the election of trustees for said town.

Powers vested in said trustees.

SEC. 4. *Be it further enacted,* That when elected, agreeably to the provisions of the preceeding section of this act, they shall be vested with all the power and authority that the trustees, heretofore, for said town, were vested with; and shall remain and act as trustees, until the time fixed by law for the election of trustees for said town.

Trustees appointed for the Rockcastle Seminary, and their powers.

SEC. 5. *Be it further enacted,* That James Terrill, James M'Call, John A. Moore, Mason C. Miller, and John B. Dysart, be, and are hereby appointed trustees to the Rockcastle seminary; and that they have full power and authority to dispose of the seminary lands belonging to said seminary.

CHAP. DLXXX.

1831.

AN ACT authorizing the insertion of advertisements in the "Farmers' Record," "Maysville Monitor," "Lexington Observer" and "Louisville Price Current and Commercial Register."

Approved, November 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful to publish in the newspapers called the "Farmers' Record," "The Maysville Monitor," "The Lexington Observer," and "The Louisville Price Current and Commercial Register," all orders, advertisements and publications required by law, except such as are required to be inserted in the paper of the public printer. All publications made in said papers, shall be as effectual as if made in any other newspaper in this Commonwealth; and it shall be lawful for the editors of said papers to charge the like fees, and make such certificates, as are authorized to be charged and made by law.

CHAP. DLXXXI.

AN ACT to add a part of the land of Richard Forrest to the town of Lebanon.

Approved, November 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of the land of Richard Forrest, adjoining the town of Lebanon, in Washington county, within the following boundary, viz: beginning at a stake on water street, thence south 28 degrees east, thirty-five poles ten and a half feet, to a stake on Mulberry street; thence north 56 degrees east, ninety-nine poles, to a stake in Mercer's line; thence with Mercer's line north 43½ degrees west, thirty-five poles ten and a half feet, to another stake in said line; thence south 56 degrees west, ninety poles, to a stake at the beginning, be, and the same is hereby added to, and shall hereafter be considered as a part of, the said town of Lebanon:

1831.

CHAP. DLXXXII.

AN ACT to regulate the town of Westport, in Oldham county.

Approved, November 15, 1831.

Trustees appointed for Westport.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Nathaniel Hawkins, John W. Rouzee, Joseph Harris, William S. Walker, and Washington Carter, be, and they are hereby confirmed in their appointment as trustees of the town of Westport, in the county of Oldham; and they are hereby authorized and required to do and perform any and every act hereinafter permitted or directed, until their successors shall be elected and qualified as is hereinafter provided.

Elections to be held annually for trustees of said town.

Their qualifications, powers and duties.

May impose and collect taxes.

Trustees may appoint and remove their officers.

May levy an ad valorem tax.

Appoint assessors.

SEC. 2. *Be it further enacted,* That the free white male inhabitants of the town of Westport, who shall have attained the age of twenty-one years, shall meet at the court house in Westport, on the first Monday in May in each year, and elect seven trustees for said town, which trustees shall possess the qualifications hereinafter mentioned; and a majority of them so elected, shall be sufficient to constitute a board, who shall be, and they are hereby authorized to make such by-laws for the government and regulation of said town, as to them shall seem necessary and proper, not inconsistent with the constitution and laws of this state. The said trustees shall have full power and authority to impose a poll tax, annually, on all the male inhabitants of full age, not exceeding one dollar each.

SEC. 3. *Be it further enacted,* That said trustees shall appoint their clerk, or any other officer they may think proper, who shall continue in office for and during the term that the trustees who appointed him shall remain in office; and the said trustees shall have power and authority to remove any officer, by them appointed, for neglect of duty or malfeasance in office, and appoint another instead of the person so removed.

SEC. 4. *Be it further enacted,* That the trustees, or a majority of them, shall have full power and authority to levy an *ad valorem* tax annually, on all the property in said town that is now subject to taxation by the revenue laws of this state, not to exceed one dollar on every hundred; and the said trustees, or a majority of them, shall cause an assessment to be made of the property in said town, including improvements, which is now subject to taxation, by some person or persons

appointed by them as assessors, who shall, before he enters upon the duties of his office, take an oath, to be administered by the president of the board, faithfully and impartially to perform the duties thereof.

1831.

SEC. 5. *Be it further enacted,* That the trustees, or a majority of them, may appoint some fit person to collect the taxes imposed by them, whose duty it shall be to collect and account for the same within six months after he shall have been furnished with a list of said taxes; and if any person or persons shall fail or refuse to pay the same, the said collector shall make distress and sale of property, by giving twenty days notice, by advertisement, at three of the most public places in said town.

And appoint a collector of taxes.

SEC. 6. *Be it further enacted,* That the collector shall not be allowed to sell any lot, or part of lot, to satisfy the tax due thereon, where sufficient personal estate can be found on such lot, or lots, or parts of lots; and should a tenant on any such lot be compelled to pay the tax thereon, he, she, or they, shall retain a lien on said lot, or lots, until the said sum is repaid, with twenty per centum per annum interest thereon, unless it be expressly agreed between the tenant and landlord, that the tenant is to pay the tax thereon; and provided also, that the tenant shall notify the landlord, if he be in the county, if not, his agent, that the tax is demanded of him.

Lots not to be sold for taxes when personal property can be found.

SEC. 7. *Be it further enacted,* That when any lot, or parts of lots, may have been sold for the tax due thereon, and costs of sale, that the owner or owners, his heir or their heirs, executors or administrators, shall have twelve months from the time of the sale thereof, to redeem the same, by paying to the purchaser the amount of the tax and costs, with one hundred per cent. thereon.

Time allowed to redeem lots sold for taxes.

SEC. 8. *Be it further enacted,* That the trustees of said town shall have full power to convey to the purchaser, by deed of conveyance, the lots, or parts of lots, sold under the provisions of this act, and not redeemed within the time allowed for redemption, which shall vest in the purchaser, his heir, or their heirs or assigns, all the right, title and interest of the owner or owners of said lot, or lots, or parts of lots, saving, however, to infants, femmes coverts and persons of unsound mind, a right to redeem within three years after their several disabilities shall be removed.

The trustees to convey to the purchasers of lots, sold for taxes, and not redeemed.

Saving clause.

1831.

Collector to execute bond, &c.

SEC. 9. *Be it further enacted*, That the collector shall give bond with security, to the trustees, to be approved by them, in the penalty of one thousand dollars, conditioned for the faithful performance of his duty.

How he may be proceeded against for failing to pay taxes collected by him.

SEC. 10. *Be it further enacted*, That should the collector fail to pay over the money collected by him, to the trustees as aforesaid, they may, upon giving him ten days notice, recover judgment against said collector and his securities, by motion in the county court of Oldham county; and the trustees shall, at one of their meetings in each year, make such allowance to their clerk and other officers as they may think proper, to be paid out of any moneys collected in pursuance of this act.

Trustees may make allowance to their officers.

Collector's fees.

SEC. 11. *Be it further enacted*, That the collector shall be allowed seven per cent. on all moneys collected by him, and twenty-five cents for each sale of property made in pursuance of this act.

Clerk to take an oath—his duties.

SEC. 12. *Be it further enacted*, That the clerk shall take an oath before he enters upon the duties of his office, carefully to keep and preserve the books and papers confided to him, and to make true and correct entries of by-laws passed by said trustees; which oath shall be administered by the president of the board; and the trustees shall, severally, take an oath, faithfully to discharge the duties assigned them by this act, before they enter upon the discharge thereof, which oath shall be administered to them by the clerk of the Oldham county court, and by him recorded; and should a vacancy occur in the board by death, resignation, or otherwise, the remaining trustees, or a majority of them, shall meet within one month thereafter and supply such vacancy; which said trustee or trustees, so appointed, shall possess the same power and qualifications as though elected at the general election, and shall continue in office until the next general election for trustees, and no longer.

Trustees to take an oath.

May fill all vacancies in their own body.

Elections for trustees—by whom to be conducted.

The county court may appoint trustees, when none are elected.

SEC. 13. *Be it further enacted*, That it shall be the duty of the clerk of the board of trustees to give notice of the time of election, by advertisement, at three of the most public places in said town, at least three weeks before the annual election; and should an election not be held on the day appointed by this act, the county court is hereby empowered to appoint the requisite number of trustees, who shall continue in office until the next annual election, and possess all

the powers they would have had, had they been chosen at the annual election; and the trustees of said town are hereby authorized to recover any sum not exceeding five dollars, for any breach of their by-laws, which fine shall be recovered before any justice of the peace for the county of Oldham, in the name of the trustees, and shall be applied to the use and benefit of said town.

1831.

Trustees may recover fines for a breach of their by-laws.

SEC. 14. *Be it further enacted*, That before the said trustees can recover any fine or fines for a breach of their by-laws or ordinances, they shall have a fair copy of them set up at three of the most public places in said town, at least one week, unless the offence shall have been committed in less than that time, from the passage thereof; and no person shall be elected a trustee for said town, unless he be an inhabitant thereof, and has resided there for six months previous to his election, or an owner of real property therein, and is above the age of twenty-one years.

By-laws to be published.

Qualifications for trustees.

SEC. 15. *Be it further enacted*, That it shall be the duty of the trustees, annually, in the month of April, to publish, for the inspection of the citizens of said town, by advertisement, at three of the most public places therein, a full and complete statement of the funds of said trustees, noting therein their receipts and disbursements, the amount of each, and upon what account; and as soon as their successors shall be appointed, to pay over all moneys which may be on hand; and in case of failure, the county court is hereby authorized to summon them to appear at their next succeeding term, to make a settlement, and to enter up judgment against them for any sum that may appear against them, and award execution thereon.

A statement of the receipts and disbursements to be published annually—

And the balance paid over to their successors.

SEC. 16. *Be it further enacted*, That if any owner or owners of real property, on main street, shall fail or refuse to pave the side walks of said street, as far as their lots or parts of lots may front on it, in the manner that the said trustees shall direct, after such owner or owners, if not, his or their agent, if they have any, shall be notified and required to do so by said trustees, and if there be no agent, then the trustees shall make publication in some public newspaper, notifying the owner or owners thereof; the said trustees are hereby authorized to contract for and have the same done, and tax the same upon such lots or lots, or parts of lots; and the collector is hereby directed to collect the sums so taxed, in the same man-

Trustees may have the side-walks of the streets paved.

1831. ner as is provided for the collection of other taxes by this act. *Provided*, That the trustees may render such assistance in paving the side walks aforesaid, as their funds may authorize.

The first election of trustees to be held by the clerk.

SEC. 17. *Be it further enacted*, That the first election for trustees of said town shall be held by the clerk then in office; and that all elections thereafter, be held by the clerk who shall be in office at the time said election shall take place.

Repealing clause.

SEC. 18. *Be it further enacted*, That all laws, or parts of laws, coming within the provisions of this act, be, and the same are hereby repealed.

CHAP. DLXXXIII.

AN ACT to change the name of Elizabeth Boyd to that of Elizabeth Foreman.

Approved, November 15, 1831.

WHEREAS Elizabeth Boyd, at the August term eighteen hundred and thirty-one of the Spencer circuit court, obtained a divorce from her husband John Boyd; and she is desirous to resume her maiden name of Elizabeth Foreman, and to authorize her to do so:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of Elizabeth Boyd is hereby changed to that of Elizabeth Foreman.

CHAP. DLXXXIV.

AN ACT to incorporate the Russellville Female Academy.

Approved, November 17, 1831.

Trustees appointed and incorporated with the usual powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Wilson, William Loving, Samuel Wilson, Walter Jones, John Breathitt, Ephraim M. Ewing, Daniel Caldwell, Spencer Curd, John M. Shirley, William Owens, M. B. Morton, Thomas S. Slaughter, William L. Sands, Richard Bibb junior, Samuel Poindexter, Augustine Byrne, F. R. Browning, W. E. Warren, and Thomas W. Stockdale, shall be, and they are hereby constituted a body politic and corporate, to be known by the name

of "the trustees of the Russellville Female Academy," and by that name, shall have perpetual succession and a common seal, with the power to change the same at pleasure.

1831.

SEC. 2. *Be it further enacted,* That said academy shall be located in the town of Russellville, and said trustees shall hold their sessions in said town; the first session to be held at such time and place as any three of said trustees may designate.

The academy to be located in Russellville.

SEC. 3. The said trustees shall, at their first session, or at any subsequent session they may choose, elect a president of said board, and such other officers as they may think proper, and seven members shall be sufficient to constitute a board for the transaction of all business relating to said academy, except to alienate, sell or convey any lands, tenements or rents which may belong to the same, which shall require the concurrence of a majority of the whole number.

Trustees to elect a president and other officers; convey lands, &c.

SEC. 4. The said trustees or their successors, by the name aforesaid, shall be capable, in law, to purchase, receive and hold, to them and their successors, for the use and benefit of said academy, any lands, tenements, rents, goods and chattels which shall be given or devised to, or purchased by them, for the use aforesaid.

Their corporate powers.

SEC. 5. The said trustees, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this state, and may, from time to time, establish such by-laws, rules and ordinances for the government of said institution, or appertaining to the same, which they may deem necessary, not contrary to the constitution and laws of this Commonwealth; and upon the death, resignation or removal of any of the trustees, president or other officer of said academy, the board of trustees shall supply the vacancy by ballot.

May sue and be sued, make by-laws, &c. fill vacancies in their own body.

SEC. 6. The said trustees may elect a president, professors or other tutors for said institution, who shall be subject to the direction and control of said board, and continue in office during good behavior.

May elect a president, professors and tutors.

SEC. 7. The president of said board shall, at all times, have power to call a board of said trustees, and when requested by the president of said institution, or by any three members of said board, it shall be his duty to call a meeting of the same.

Meetings of the trustees may be called by the president of the board.

1831.

CHAP. DLXXXV.

AN ACT to continue in force "an act for the benefit of the headright and Tellico settlers, and for other purposes."

Approved, November 17, 1831.

Act of 1826
continued in
force until 1st
Jan. 1838.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act entitled, "an act for the benefit of the headright and Tellico settlers, and for other purposes," approved, December 28th one thousand eight hundred and twenty-six, shall be, and the same is hereby continued in force until the first day of January, one thousand eight hundred and thirty-three.

CHAP. DLXXXVI.

AN ACT to repeal an act entitled, "An act to improve certain roads in Caldwell county," passed the 14th January, 1831.

Approved, November 17, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act entitled, "An act for the improvement of certain roads in Caldwell county," passed the 14th day of January, 1831, be, and the same is hereby repealed.

CHAP. DLXXXVII.

AN ACT to establish an election precinct in Christian county.

Approved, November 17, 1831.

Boundary of
the precinct.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Christian county, within the following boundary, viz: beginning at the south-east corner of said county, on the Tennessee state line; thence with said line west, to the road leading from Clarksville to Hopkinsville; thence with said road to Claiborne West's house; thence with a straight line to the house of Robert Harrison, and the same course continued to the Todd county line, and with said county line to the beginning, shall constitute an election precinct, and the qualified voters in said precinct shall meet at the house*

Place of voting.

of Daniel Galbreath, for the purpose of voting at all legal elections.

1831.

Sec. 2. *Be it further enacted*, That the county court of Christian shall, at the time they appoint judges and clerk to attend any election to be held at the court-house in the county of Christian, appoint judges and a clerk to attend the respective elections in the said precinct, who shall execute the duties assigned them under the several laws regulating elections in this Commonwealth; and the sheriff of said county shall, by himself or deputy, attend the elections to be held at said precinct. And it shall be the duty of the sheriff attending any election at the precinct, to meet the sheriff of the county at the court-house, on the same day that the polls are compared from other precincts in said county.

Judges and clerk to be appointed.

Sheriff to attend the elections at the precinct.

To compare the polls and give certificates.

SEC. 3. *Be it further enacted*, That the judges, sheriff, or deputy sheriff, and clerk attending said precinct shall receive the same compensation, and be governed by the same rules and regulations as are now provided by the laws regulating the elections of this Commonwealth.

Compensation of judges and clerk, &c.

CHAP. DLXXXVIII.

AN ACT to establish an additional election precinct on Long Run, in Jefferson county.

Approved, November 17, 1831,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, all that part of Jefferson county lying within the following boundary, viz: beginning on the south side of, and adjoining Floyd's Fork, at the point where the Jefferson and Oldham county lines strike the same; thence down the fork to the Lick road, near Howard's mill; thence with said road to the Shelby county line; thence with said line to the Oldham county line; thence with said last mentioned line to the beginning, shall be one election precinct, to be called and known by the name of the "Long Run precinct;" and the place for holding elections in said precinct shall be at the house of Trammel Conn, near where the Shelbyville and Louisville Turnpike road crosses said run; and the county court of Jefferson county and the sheriff thereof shall be

Boundary of the precinct.

Place of holding elections.

1831. governed by the laws now in force regulating elections in relation to said precinct: *Provided however,* That nothing herein contained shall prevent any qualified voter, within said boundary, from voting at any other precinct established in said county.

Proviso.

CHAP. DLXXXIX.

AN ACT for the benefit of John W. Brite.

Approved, November 18, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract between John W. Brite and his wife Fanny Brite, so far as the said John is bound thereby, be, and the same is hereby dissolved; and the said John W. Brite shall hereafter in all things be considered an unmarried man.

CHAP. DXC.

AN ACT to establish the town of Canton, in Trigg county.

Approved, November 18, 1831.

The town of Canton established.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Canton in Trigg county, be, and the same is hereby established, upon the plan which has been formed and laid down for the proprietor, by John Maberry, in March, 1823, which said plan is hereby ratified and established, except as is hereinafter specified.

Trustees appointed, and the legal title to the lots vested in them, to convey to the purchasers.

SEC. 2. *Be it further enacted,* That the title to the lots in said town is hereby vested in P. H. Anderson, D. S. Campbell, James Cox, A. D. Gore, Daniel Patty, and John Courtney, and their successors in office, who are hereby appointed and created trustees of said town, whose duty it shall be, to convey and transfer to any person or persons, any lot or lots in said town, whenever called upon, to which he, she, or they may be legally entitled; and it shall be the duty of the trustees aforesaid, to have a plan of the said town recorded in the office of the clerk of the county court of Trigg county, as soon as practicable.

To have a plan of the town recorded.

SEC. 3. *Be it further enacted,* That the said trustees shall remain in office until the first Saturday in

June next; on which day, and on the first Saturday in June in each succeeding year, the free male inhabitants of said town, of the age of twenty-one years and upwards, shall meet at such place as may be designated by the trustees, in said town, and choose by vote, *viva voce*, five fit persons as trustees, to serve for one year, and until their successors are duly elected; and in all other respects, the trustees aforesaid and their successors in office, shall possess the same powers, and the officers by them appointed shall possess the same powers, and be governed by the same laws, rules and regulations as is provided in relation to the town of Floydshurg, by an act approved January 11th, 1830, entitled, "an act to establish the towns of Floydshurg, Brownsboro' and Paducah, and for other purposes," every section and clause of which shall apply with the same force and effect to the town of Canton, and the officers elected and appointed in pursuance thereto, as though the same was again written out and enacted at length. *Provided however*, that the trustees aforesaid shall have no power or control over that part of Monroe street, in said town, as far back from the river as lots number five and six on said street, but so much of said street is hereby reserved for the use and benefit of the original proprietor.

1831.

Trustees for
said town to be
elected annual-
ly.

Their powers.

CHAP. DXCI.

AN ACT to repeal in part, an act passed on the 13th day of January, 1831, entitled "an act to establish a state road from Hopkinsville by the way of Cadiz, Canton, &c. to Columbus, on the Mississippi river."

Approved, November 18th, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of an act passed on the thirteenth day of January, one thousand eight hundred and thirty-one, entitled "an act to establish a state road from Hopkinsville by the way of Cadiz, Canton, J. C. Pentecost's ferry on the Tennessee river, Waidesboro' and Mayfield to Columbus on the Mississippi river, as establishes said road from Hopkinsville to the Trigg county line, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That so much of said road as runs through the county of Hickman, taking

1831. the left hand road from the place now occupied by Erasmus Riley, to that of F. T. Taylor's, shall be, and the same is hereby established.

CHAP. DXCII.

AN ACT to amend the laws in relation to summoning guards to conduct convicts to the Penitentiary.

Approved, November 18, 1831.

Two guards only allowed to conduct a convict to the Penitentiary, without a special order of the court—

Unless evidence is adduced to prove an attempt to rescue, or an escape.

Provision when there is more than one convict, at the same term of the court, to be conveyed.

Repealing clause.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter no sheriff or other officer, shall summon or take with him, more than two persons as a guard, to assist him in conducting a convict to the Penitentiary, without the special order of the circuit judge, before whom the conviction shall take place, made before said guard shall be summoned.

SEC. 2. *Be it further enacted,* That no judge shall make an order allowing more than two to be summoned as a guard, for the purpose aforesaid, unless it shall be made to appear to him, before said guard shall be summoned, by satisfactory evidence, that there is danger of an escape, by rescue or otherwise, in which case he is authorized to make an order of record, allowing as many more to be summoned as he may deem necessary; to secure and conduct the convict to the Penitentiary.

SEC. 3. *Be it further enacted,* That if two or more criminals shall be convicted at the same term of the court, they shall all be conducted to the Penitentiary by the same sheriff or other officer, or his deputy, and he shall only be allowed compensation for one trip, and shall not summon more than three persons as a guard, unless by the special order of the judge, made as aforesaid, and upon like proof as aforesaid, he shall be allowed to summon more; and no compensation shall be allowed for guards, that shall be summoned otherwise than as directed by this act. All acts coming within the purview of this act, are hereby repealed.

CHAP. DXCIII.

1831.

AN ACT to repeal the law establishing an election precinct in Muhlenburg county, and for other purposes.

Approved, November 21, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act passed December 21, 1825, establishing an election precinct at the house of Jacob S. Baker, in Muhlenburg county be, and the same is hereby repealed.*

Act of 1825 repealed.

SEC. 2. *Be it further enacted, That hereafter the election in the precinct in the lower end of Muhlenburg county, shall be held at the house of Benjamin Donoho, instead of Andrew Worthington, under the same rules and regulations as heretofore.*

Place of voting in the lower precinct of said county changed.

CHAP. DXCIV.

AN ACT for the benefit of Micajah Harrison, clerk of the Montgomery county court.

Approved, November 21, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Micajah Harrison, clerk of the said county court, shall have the right, at any time within six months from the passage of this act, to renew his bond of office; and the county court of Montgomery shall receive bond, and approve the security therein, in the same manner as though the same had been tendered within the time prescribed by law for the renewal thereof.

Further time given to renew his official bond;

CHAP. DXCV.

AN ACT further to regulate the town of Princeton.

Approved, November 21, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the lot of ground, the property of William Lander, adjoining the town of Princeton, and bounded as follows: Beginning at the north-west corner of the large brick tavern, (standing on it) in the edge of main south street, running thence south 20 deg. west, 46 feet to a stake; thence east 70 deg. six feet four inches, to a stake; thence*

An addition made to the town.

1831. south 11½ deg. west, to the line of second south street, supposed to be two hundred and twenty feet; thence with the line of said street, south 70 deg. east, two hundred and fifty-one feet to a stake; thence north 20 deg. east, one hundred fifteen and a half feet, to a stake; thence north 70 deg. west, one hundred and forty-six feet, to a rock, being south west corner of the donation of Prince and Frazer, that runs around the head of the spring; thence with the donation line north 22 deg. east, sixty seven and a half feet, to a stake on said line; thence north 70 deg. west, eighty feet to the south-west corner of Longstreth and Bailey's lot; thence with their west line, north 20 deg. east, eighty feet, to their corner on main south street; thence with the said main street, north 70 deg. west, sixty feet, to the beginning, be, and the same is hereby added to the town of Princeton, and is made a part of said town, subject to the powers and jurisdiction of the trustees of said town, in the same manner as the other parts of the town are.

To be vested in the trustees, and to be by them conveyed, &c.

Trustees authorized to levy and collect taxes, &c.

Lots sold for taxes, subject to be redeemed.

SEC. 2. *Be it further enacted*, That the title of the said lot is hereby vested in the trustees, who are authorized to convey the same to William Lander or to his assignee, in the same manner as other lots are conveyed by them.

SEC. 3. *Be it further enacted*, That the trustees of said town shall have power to lay an *ad valorem* and poll tax on the persons, and houses and lots in said town, not exceeding sixty dollars per annum; to appoint an assessor and collector, who shall have power to distrain for the amount assessed, and sell lots in case of non-payment, in six months after assessment; but the collector shall advertise the sale at the court house door and in an authorized newspaper, twenty days before the sale; and the owner shall have two years to redeem in, by paying the purchase money with ten per cent. interest. So much of the lot or lots only, shall be sold as will satisfy the tax and costs.

CHAP. DXCVI.

AN ACT to authorize the trustees of Bowlinggreen and the county court of Warren, to improve said town.

Approved, November 21, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the

town of Bowlinggreen, be, and they are hereby authorized to levy an *ad valorem* and poll tax, upon all property and persons in said town, liable to taxation by the laws of this Commonwealth, for the purpose of creating a fund to be expended in paving the streets and public square in said town, after the M'Adams plan of paving.

1831.

The trustees of Bowlinggreen may levy taxes to pave the public square and streets.

SEC. 2. *Be it further enacted*, That the county court of Warren be, and they are hereby authorized, at their next levy court, or whenever they shall think fit, to provide a fund out of the county levy, to assist the trustees of the town of Bowlinggreen, in the improvement of the streets and public square in said town.

The county court of Warren may levy money for the same purpose.

CHAP. DXCVII.

AN ACT for the benefit of William S. Shackelford.

Approved, November 21, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts, upon the application of William S. Shackelford, issue to him a warrant upon the treasurer of this Commonwealth, for the sum of \$232 03 cents, in notes of the Bank of the Commonwealth of Kentucky, in full for the balance due said Shackelford, for all the materials, plain and ornamental plastering, and every other claim arising out of his contract for plastering the capitol; and the treasurer of this Commonwealth is directed to pay the said warrant out of any Commonwealth's Bank notes, as in other cases.

CHAP. DXCVIII.

AN ACT to amend an act, entitled, "an act appropriating certain vacant lands to the improvement of the public roads in the counties of Russell, Monroe, Allen and Cumberland," approved, January 28th, 1830.

Approved, November 21, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the before recited act be, and the same is hereby so amended as to authorize and direct the register of the land office, to register the plats and certificates of survey without fee,

The Register authorize to issue patents on the surveys

1831.

made under the
act aforesaid.

which shall have been made, or which shall hereafter be made in virtue of any warrant or warrants which has or may issue in pursuance of the before recited act, for the counties of Russell and Allen, any law to the contrary notwithstanding.

CHAP. DXCIX.

AN ACT to protect the actual settlers west of the Tennessee river.

Approved, November 21, 1831.

The preemptive right to enter land west of the Tennessee river extended to the actual settlers on the land improved by them.

Proviso.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not be lawful for any person, within twelve months after the passage of this act, to enter any quarter section, or fractional quarter section of land, which has been improved by any actual settler in the land district, west of the Tennessee river, at the passage of this act. And any entry made contrary to the provisions of this act, is hereby declared null and void: *Provided however,* That said settler and improver, may, at any time, enter the same.

CHAP. DC.

AN ACT to legalize the proceedings of the trustees of the town of Shepherdsville, in Bullitt county.

Approved, November 21, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the Trustees of the town of Shepherdsville, done and performed previous to the passage of this act, are hereby legalized; said trustees having failed to qualify according to law.

CHAP. DCI.

AN ACT allowing three additional terms to the Bracken county court.

Approved, November 21, 1831.

Additional terms allowed in March, June, and September, annually.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Bracken be, and is hereby authorized to hold three additional terms, annually, on the third Mondays in March, June and September.

DCII.

1831.

AN ACT to authorize the County courts of Montgomery, Bath, Morgan, Floyd, and Pike, to change the state road in their respective counties, leading from Mountsterling to the Virginia line, through Prestonsburg.

Approved, November 21, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of Montgomery, Morgan, Bath, Floyd, and Pike counties, each, shall have full power to appoint three disinterested house-keepers, commissioners, any two of whom may act, after being duly sworn impartially to review that part of the road leading through each respective county, where a change may be proposed; and the commissioners shall report to the said county court, as the case may be, the conveniences and inconveniences the public, as well as individuals, may sustain by the change which is contemplated. And on the return of said report, the county court in which county the change may be proposed, shall have full power, if they deem it advantageous to the public, to make an order to change said road according to the report, at the expense of the person or persons applying for said change, each being liable for the expense of such change of so much of said road as he, she, or they may propose to alter. The road shall be opened and completed, in every respect, agreeably to the provisions of the act of assembly authorizing the opening of the road from Mountsterling to the Virginia line, through Prestonsburg: which road, when so changed, shall be governed in all respects by the laws now in force: *Provided however,* That it shall be necessary that when either of the county courts aforesaid make an order to change the aforesaid road, a majority of all the justices in commission shall be present, and two thirds of those present shall agree to such change: *And, provided further,* that nothing in this act shall be so construed as to prevent an appeal from the decision of either of the aforesaid county courts, whenever a change may be ordered by either of said county courts in the state road, to the circuit court, and from it to the Court of Appeals, as now directed by law, in relation to county roads.

Commissioners may be appointed to report to their respective county courts upon changes which may be proposed in said road.

The county courts aforesaid may direct the change to be made at the expense of the applicant.

Proviso.

Further proviso

1831.

DCIII.

AN ACT to establish election precincts in the City of Louisville, and for other purposes.

Approved, November 21, 1831.

Each ward in the city of Louisville to be an election precinct.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, each ward now existing, or which may be hereafter erected and established in said City, shall be, and is hereby established and declared an election precinct, for the purpose of choosing and electing a Governor, Lieutenant Governor, members of Congress, Senator, Representative or Representatives to the General Assembly, and Electors of President and Vice President of the United States.

Every voter to vote in his own ward.

Judges, clerk, and sheriffs, to be appointed to conduct the elections.

SEC. 2. *Be it further enacted,* That each qualified voter residing within the limits of said City shall vote in the ward thereof in which he actually resides, and in no other ward or place whatever. That the county court of Jefferson county shall, at their July term, next preceding every such election, appoint two judges, a sheriff and clerk for each of said precincts, who shall be sworn by some Justice of the Peace of said county, to conduct said election faithfully and without partiality, favor, or affection, to any person or persons whatever, according to law: a certificate of such oath or oaths shall be endorsed by such Justice on the poll book in each precinct, and returned therewith to the clerk's office of the county court of said county, within the time now prescribed by law; and if any vacancy shall happen by the death, sickness, or inability of any of the said officers to attend said elections, it shall be supplied by the said county court or sheriff, on the first day of such election; and the person or persons so appointed shall be sworn as aforesaid.

Vacancies in the officers appointed—how filled.

Elections—where to be held.

SEC. 3. *Be it further enacted,* That the election in each precinct shall be held at the place where the ward-elections are or shall be held in such precinct, except the one in which the court-house shall be, and the election in that precinct shall be held at the court-house.

Polls—when to be opened, and mode of conducting the elections.

SEC. 4. *Be it further enacted,* That the poll in each of said precincts shall not be opened sooner than nine o'clock in the morning, and shall not be kept open later than sun-set on each day of said elections: and it shall be the duty of the judges of such elections,

whenever a person shall present himself to vote at any election, who they do not know to be a resident of the ward, and duly qualified in all respects to exercise the right of suffrage, to cause such person to be sworn as to his qualification and residence; and if he shall, on oath, entitle himself to vote, to cause the clerk, by some appropriate designation, to note that he was sworn: and the judges of said election who shall knowingly permit or suffer any person to vote, who is not lawfully entitled thereto, they, and each of them, shall be subject to a fine of fifty dollars and costs, for each and every illegal vote so given, recoverable by warrant before a Justice of the Peace, or upon indictment by the grand jury; in which case no prosecutor shall be required: and the said penalties shall be applied to, and for, the use and benefit of the public school of said City.

1831.

Judges may be fined for taking in illegal votes.

Sec. 5. Be it further enacted, That if any person shall vote at any such election, not entitled by law to vote, or shall vote out of his precinct, or shall vote twice or more at any such election, the person so offending, for every such offence, shall pay not less than twenty dollars, nor more than fifty dollars, at the discretion of a jury; recoverable and to be applied as prescribed in the fourth section of this act.

Penalty on persons voting out of their ward, or voting more than once at the same election.

Be it further enacted, That the sheriffs holding the elections within the City of Louisville, at the several precincts, shall meet at the court house the next day after the close of the polls, and compare them, and give a certificate to the person having the highest number of votes, as representative for the City; and when the county court shall fail at their July term, to appoint sheriffs, clerks, and Judges, the high sheriff shall appoint them.

Votes—when and where to be compared.

CHAP. DCIV.

AN ACT for the benefit of the trustees of the Edmonson county seminary.

Approved, November 24, 1831.

WHEREAS, it is represented that the trustees aforesaid, have sold and conveyed the land belonging to said seminary, which was intended, by the laws of this Commonwealth, for the benefit of said seminary, to two of the individuals composing the body of said

1831. trustees, and to others who were not of their own body, for a stipulated sum, and took their promissory notes for the payment thereof, jointly and severally, to the trustees of the Edmonson county seminary, and their successors in office; in consideration whereof:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the said trustees and their successors, not being obligors in said notes, to collect and receive the amount thereof, by suit or otherwise, against said obligors, who shall, in all respects, and for every purpose, be regarded as other individuals in said suits, if, for the collection thereof, a suit or suits shall be necessary.

CHAP. DCV.

AN ACT to repeal, in part, an act entitled, "an act to amend the law in relation to opening and repairing the public roads in certain counties.

Approved, November 24, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act entitled, "an act to amend the law in relation to opening and repairing the public roads in certain counties," approved, January 29, 1830, as relates to Woodford county, be, and the same is hereby repealed; and that from and after the passage of this act, all laws in force on the said 29th day of January, 1830, respecting the public roads, applicable to Woodford county, be, and the same are hereby revived and declared in full force.

The recited act, so far as relates to Woodford, repealed—

And the acts repealed thereby, revived.

CHAP. DCVI.

AN ACT to change the place of taking the votes of the Salt river precinct, in Anderson county.

Approved, November 24, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, at all general elections required by the constitution and laws of this state, the place of taking the votes within the Salt river precinct in Anderson county, shall be at the house of John Busy, instead of John Morgan's, as provided for in the original act.

CHAP. DCVII.

1831.

AN ACT to authorize certain county courts to permit gates to be erected across certain roads.

Approved, November 24, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Clarke county, may permit David B. Hays to erect gates across the public road called Martin's mill road, on that part of the road which passes over the land of the said Hays. And that the said court may, likewise, permit Jesse Cunningham to erect gates across the public road called the Cunningham road, on that part of the said road which passes over the land of the said Cunningham.

D. B. Hays may be authorized to erect gates.

Jesse Cunningham.

SEC. 2. *And be it further enacted,* That the county court of Fleming county may permit Aquilla Jones to erect gates across the public road leading to James Andrews' mill, on that part of said road which passes over the land of said Jones.

Aquilla Jones.

SEC. 3. *And be it further enacted,* That the said gates shall be at least ten feet wide, and so constructed, as to open and shut with convenience; and the same shall, at all times, be kept in good repair, by the respective owners of said land.

Gates to be 10 feet wide.

SEC. 4. *And be it further enacted,* That no order for erecting said gates shall be made, except a majority of the justices of the county courts aforesaid, be present and composing the court; *And provided,* that a majority of said justices shall have power to discontinue any of the gates erected under this act, when the public good shall require.

A majority of the county court to be present.

Provide.

CHAP. DCVIII.

AN ACT for the benefit of Reuben Drysdale and others.

Approved, November 26, 1831.

WHEREAS, it is represented to the present General Assembly, that by a decree of the Jessamine circuit court, Mary Drysdale, formerly the wife of Reuben Drysdale, has obtained a divorce from her said husband, and that said Mary has married another man: Therefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said Reuben Dry-

Drysdale restored to the

1831.

rights of a single man.

dale be, and he is hereby restored to all the rights and privileges of an unmarried man: And,

Whereas Edy Marcum, the wife of William Marcum, has obtained a divorce from her said husband, in the Lawrence circuit court, and has since married another man: Therefore,

W. Marcum
also restored.

SEC. 2. *Be it further enacted*, That the said William Marcum be restored to all the rights and privileges of an unmarried man: And,

J. Ferguson
and P. N. O'Bannon
also restored.

Whereas Kitty Ferguson, the wife of James Ferguson, has obtained a divorce from her said husband, by a decree of the Fayette circuit court; and the wife of Presley N. O'Bannon hath obtained a divorce from said Presley, by a decree of the Logan circuit court: Wherefore,

SEC. 3. *Be it further enacted*, That the said James Ferguson and Presley N. O'Bannon be restored to all the rights and privileges of unmarried men.

CHAP. DCIX.

AN ACT to incorporate the Newport Manufacturing Company.

Approved, November 26, 1831.

Company incorporated—
their powers
and privileges.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Taylor sen. Darius B. Holbrook, Wm. M. Walker, John W. Tibbatts, Benjamin Clifford jr., James Taylor jr., Isaiah Thomas, and S. R. M. Holbrook, and those who may hereafter be associated with them as stockholders, and their successors, shall be, and they are hereby created and made a body politic and corporate, until the year eighteen hundred and fifty-two, by the name of "the Newport Manufacturing Company," and by that name are hereby made able and capable in law to have, purchase, receive, possess, enjoy, and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels, and effects, to an amount not exceeding five hundred thousand dollars, and the same to sell, grant, demise, alien, and dispose of, at pleasure; also, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity in this Commonwealth, and shall be, and are hereby vested with, all the privileges and powers which, by law, are incident to corporations of

a similar nature; also, to make, have, and use a common seal, and the same to break, alter, or renew at pleasure; also, to ordain, establish, and put in execution such by-laws, ordinances, and regulations, as shall be necessary and convenient for the government of said corporation, and which are not contrary to the constitution and laws of this Commonwealth; and generally, to do and execute all and singular, the acts necessary to carry into effect the objects of this charter.

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SEC. 2. *Be it further enacted*, That the property of said company shall be, and hereby is, divided into seventy-eight shares of one thousand dollars each, and shall be numbered in progressive order, beginning at number one; and every original holder thereof, shall have a certificate, under the seal of said company, and signed by the president and attested by the treasurer, certifying his property in such share as shall be expressed in said certificate; and said stock may be alienated by the proprietor thereof, by a written transfer in person or by attorney, in the books of the said company, and the assignee or assignees thereof shall be entitled to a new certificate, executed in the form aforesaid, on producing and surrendering to the treasurer the former certificate; and said stock shall be held and deemed personal estate, and pass to the executor or administrator on the demise of the holder thereof; and each and every stockholder, at all elections or meetings, shall be entitled to one vote for each share he may hold in his own right, up to five shares, and one vote for every five shares over that number, and shares may be voted on by proxy, (such proxy being granted directly to a share holder, present at such election or meeting,) or by the executor or administrator of the deceased owner; and after the first election, no shares shall confer a right of suffrage, which shall not have been holden by the owner thereof, and so appear on the books of said company, at least one calendar month previous to the day of election.

The certificates
and transfers of
shares.

SEC. 3. *Be it further enacted*, That said James Taylor senr., Darius B. Holbrook, and John W. Tibbatts, or either of them, may call the first meeting of said company, to be holden at any suitable time or place, in the town of Newport, by advertising the same in some newspaper printed in the county of Campbell, at least ten days previous to said meeting; and the members of said company, at that time and place,

The meetings
of the company.

President and
directors to be
elected.

1831.

and they and their successors, on the first Monday in January in each succeeding year, at the office of said company, shall meet and elect a president and four directors, who shall continue in office until the first Monday in the ensuing year, and until their successors shall be elected; and in case of the death or resignation of the president or any director, the remaining directors shall elect some person to fill the vacancy the residue of the year, and no person shall be a president or director who is not a shareholder. The president and three directors shall constitute a quorum to do business, or four directors without a president, one of whom shall be chosen president for the time being.

Capital stock
may be increased.

SEC. 4. *Be it further enacted*, That it shall and may be lawful for the shareholders to increase the number of shares of said company to any number of shares not exceeding five hundred shares of one thousand dollars each, at such time or times, and in such manner as they, according to the rules and regulations of the said corporation, may deem proper; *Provided* three-fourths of the votes on all the shares, shall concur therein.

May carry on
manufactures,
erect buildings.
&c.

SEC. 5. *Be it further enacted*, That the president and directors for the time being, shall have power, and are hereby authorized, to carry on the manufacture of hemp, tow, flax, cotton, and woollen goods, and may erect such mills, works, machines, and buildings, as may be necessary for carrying on these useful manufactures and branches of business, and shall have power, from time to time, to choose a secretary, who shall be sworn, by a justice of the peace, to the faithful discharge of his duty, and who shall record all votes of the corporation, in a book to be by him kept for that purpose; a treasurer, who shall give bond, to such amount, and in such manner as the said president and directors shall direct, and such other directors, agents, and factors, as shall be thought necessary and convenient for their regular government, and to carry into effect the objects for which said corporation is established; and the president shall, on the first Monday in January, and the first Monday in July, in each and every year, make half yearly statements of the accounts and business of said company; *Provided however*, that said company shall not engage in merchandizing, except for the sale of their own manufactures, and such merchandize as may be necessary

Secretary,
treasurer, and
other agents,
may be appointed.

The president
to make half-
yearly state-
ments.

Proviso.

for their own use, and that of the hands, agents, and factors.

1831.

CHAP. DCX.

AN ACT to authorize a fire company in the towns of Bowlinggreen and Bardstown, and for other purposes.

Approved, November 26, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That any of the citizens of the town of Bowlinggreen, not exceeding thirty in number, shall be, and they are hereby authorized to organize a fire company, which shall, as soon as twenty citizens shall have joined the same, proceed immediately to the election of their officers, consisting of a captain, first lieutenant, second lieutenant, and also a clerk and treasurer; the captain shall have the full command of the company, and appoint such other officers as may be necessary, and adopt such regulations and by-laws as may be proper for the management and discipline of said company.

Company to be formed, to elect officers, &c.

SEC. 2. *Be it further enacted,* That the said company, for the purpose of exercising the engines; which shall be surrendered to their control by the trustees of said town, and that they may be properly disciplined, shall, from the first of October until the month of May, convene together once every two weeks, at the place where said engines are deposited, and under the direction of the officers, proceed to practice and exercise the engines, not less than one nor more than two hours; and also, from the first of May until the first of October, they shall convene as often as once in each calendar month, for the same purposes and in the manner as above stated; and it shall be the indispensable duty of every member of the company, when alarms of fire are given, to meet promptly to extinguish the same, and during their labors at such time, they shall be entirely obedient to the orders of the commandant of said company; and for failing in their duty in this particular, each member or officer so failing, shall be liable to a fine of three dollars, to be collected as militia fines are now collected; and in the absence of the captain, the next officer in rank present, shall take the command for the time being; and the captain is authorized, when he may deem it necessary, to call and order other meetings of said company.

Meetings of the company to exercise engines, &c.

To extinguish fires.

1831.

Fines for a neglect of duty.

SEC. 3. *Be it further enacted*, That if either of the officers or members of said company shall fail in their attendance or in the performance of their duties as required by this act, they shall be subject to a fine of one dollar, to be collected as militia fines are now collected by law; *Provided*, that if the non-attendance or failure in duty is caused by absence from the county, sickness, or other reasonable cause, they shall be discharged from their fines; and the captain and first and second lieutenant and clerk shall form and constitute a court of assessment to try all such causes as may come before them, and the clerk shall keep a record of all the fines assessed, and of the proceedings of the court, and also of the regulations of the company; and all fines which shall be and are hereby made collectable as militia fines now are, which may be collected, shall be paid over to the treasurer, and be applied, as occasion may require, to the repairing of the engines and to the purchase of ladders, buckets, &c. and for all expenses thus incurred, the clerk, by order of the captain, shall draw an order on the treasurer for the amount necessary.

Exempted from militia duty.

SEC. 4. *Be it further enacted*, That every member of the said company, and also the officers, shall, as long as they continue such, be exempt from militia duty and from serving on grand or petit juries.

Property in the engines.

SEC. 5. *Be it further enacted*, That nothing in this act shall be so construed as to divest the right of property to the said engines out of the trustees of said town, but that said trustees and their successors, shall have the power and authority to resume the possession and control of said engines, when, in their opinion, it shall seem proper.

Company to be formed and officers chosen.

SEC. 6. *Be it further enacted*, That any of the citizens of the town of Bardstown, not exceeding thirty in number, shall be, and they are hereby authorized to organize a fire company, which shall, as soon as twenty citizens shall have joined the same, proceed immediately to the election of their officers, consisting of a captain, first lieutenant, second lieutenant, and also a clerk and treasurer. The captain shall have the full command of the company, and appoint such other officers as may be necessary, and adopt such regulations and by-laws as may be proper for the management and discipline of said company.

SEC. 7. *Be it further enacted*, That the said company, for the purpose of exercising the said engine or en-

gines, which shall be surrendered to their control by the trustees of said town, and that they may be properly disciplined, shall, from the first of October until the month of May, convene together once every two weeks, at the place where said engines are deposited, and under the direction of the officers, proceed to practice and exercise the engines, not less than one nor more than two hours; and also from the first of May until the first of October, they shall convene as often as once in each calendar month, for the same purpose and in the manner as above stated; and it shall be the indispensable duty of every member of the company, when alarms of fire are given, to meet promptly to extinguish the same; and during their labors at such time, they shall be entirely obedient to the orders of the commander of said company, and for failing in their duty in this particular, each member or officer so failing shall be liable to a fine of three dollars, to be collected as militia fines are now collected; and in the absence of the captain the next officer in rank present shall take command for the time being; and the captain is authorized, when he may deem it necessary, to call and order other meetings of said company.

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Company to be disciplined.

Their duty.

SEC. 8. *Be it further enacted*, That if either of the officers or members of said company shall fail in their attendance, or in the performance of their duties as required by this act, they shall be subject to a fine of one dollar, to be collected as militia fines are now collected by law; *Provided*, that if the non-attendance or failure in duty is caused by absence from the county, sickness, or other reasonable cause, they shall be discharged from their fines, and the captain and first and second lieutenant and clerk shall form and constitute a court of assessment to try all such causes as may come before them; and the clerk shall keep a record of all the fines assessed and of the proceedings of the court, and also of the regulations of the company; and all fines which shall be and are hereby made collectable as militia fines now are, which may be collected, shall be paid over to the treasurer, and be applied, as occasion may require, to the repairing of the engines; and for all expenses thus incurred, the clerk, by order of the captain, shall draw an order on the treasurer for the amount necessary.

Fines upon delinquents.

How appropriated.

SEC. 9. *Be it further enacted*, That every member of said company, and also the officers, shall, as long as they continue such, be exempt from militia duty and from serving on grand or petit juries.

1831.

Property in the
engines.

SEC. 10. *Be it further enacted*, That nothing in this act shall be so construed as to divest the right of property to the said engines out of the trustees of said town, but that said trustees and their successors, shall have the power and authority to resume the possession and control of said engine or engines, when, in their opinion, it shall seem proper.

CHAP. DCXI.

AN ACT to amend the laws in relation to the erection of mills in this Commonwealth.

Approved, November 26, 1831.

A writ of error
on the judg-
ment of a coun-
ty court not to
be sued out af-
ter one year.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no writ of error shall be sued out to reverse any order or judgment of a county court, which may hereafter be made or rendered, either in permitting or refusing to permit the erection of any mill or dams, unless the same be sued out within one year next after such order or judgment is made or rendered.

CHAP. DCXII.

AN ACT to amend the several laws concerning the opening and changing public roads.

Approved, November 26, 1831.

No public road
to be changed
unless a major-
ity of the justi-
ces of a county
compose the
court, and a
majority of that
majority concur
in the order.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, no public road shall be changed unless a majority of all the justices of the peace in commission in the county, where the road is to be changed, shall sit and compose the court, and a majority of said majority concurring in changing or opening said road; *Provided*, that nothing herein contained shall be so construed as to require the presence and concurrence of the aforesaid number of justices, in the appointment of reviewers and other steps preliminary to the final order making such change.

CHAP. DCXIII.

1831.

AN ACT to establish an election precinct in Harrison county.

Approved, November 26, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the county of Harrison, called and known by the name of "the Lee's lick settlement," shall constitute an election precinct, to be called the "Leesburg precinct;" the elections therein to be held at the house of John Cox in the town of Leesburg.

Leesburg precinct established.

SEC. 2. *Be it further enacted,* That it shall be the duty of the county court of Harrison county, at the time they appoint judges and clerks of election, to appoint judges and a clerk, whose duty it shall be to attend at the precinct hereby established, and take in all such legal votes as may be offered.

Judges and clerk to be appointed to conduct the elections.

SEC. 3. *Be it further enacted,* That nothing herein contained shall prevent the qualified voters residing in said precinct, from voting at the court-house of the county, if they shall elect so to do.

Proviso.

SEC. 4. *Be it further enacted,* That it shall be the duty of the sheriff of Harrison county to attend the election precinct hereby established, either by himself or deputy, at all elections required by law; and the said sheriff, in comparing the polls, shall be governed by the laws regulating elections. All acts and parts of acts coming within the purview of this act, are hereby repealed.

Sheriff of the county to attend the elections in the precinct, &c.

CHAP. DCXIV.

AN ACT to amend the Duelling law.

Approved, November 26, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, in administering the oath directed by the several acts of the Legislature, "more effectually to suppress the practice of duelling," the oath shall be from the 7th day of November, one thousand eight hundred and thirty-one, instead of the first day of December, 1830.

1831.

CHAP. DCXV.

AN ACT to organize a fire company in the town of Nicholasville.

Approved, November 26, 1831.

A fire company
established.

Officers to be
appointed.

The company
to be convened
monthly for ex-
ercise.

To attend and
assist in extin-
guishing fires.

The duty and
powers of the
officers of the
company.

May inflict
fines for disobe-
dience of or-
ders, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That any of the citizens of the town of Nicholasville, or within one quarter of a mile of the public square thereof, not exceeding forty in number, shall be, and they are hereby authorized to organize a fire company, which, as soon as twenty citizens shall have joined, may proceed to the election of one captain, one first, and one second lieutenant, one clerk, and one treasurer; the said officers to appoint such other officers and adopt such by-laws and regulations as may be considered necessary for the management and discipline of said company.

SEC. 2. *Be it further enacted,* That after said company shall be organized, the officers shall convene said company at least once in each month, in said town, under the command of the officers, and practice themselves in the use and working of their engine, not less than one, nor more than two hours; and it shall be the duty of each member of said company, when alarms of fire are given, to meet promptly with their engines, buckets, and other apparatus, at the place where the fire may happen, to extinguish the same.

SEC. 3. *Be it further enacted,* That the senior officer present shall take command, being ranked as named in this act, and shall have power to enforce all proper orders made by him, at any meeting of said company, for the purpose of exercise, or at any actual fire, upon the members of said company; and at every actual fire, he, and every other officer of said company, may consider each citizen of said town, who shall be present at such fire, as a member of said company, and he and other officers in command at such fire, shall have power to enforce such citizens present, to act as members of said company, to aid in the extinguishment of such fire, under such penalties as shall be fixed by this law.

SEC. 4. *Be it further enacted,* That any member of said company, for failure of duty, non-attendance, disobedience of orders, or other improper conduct, shall be liable to a fine not exceeding three dollars, nor less than fifty cents; and any citizen of said town who shall not be a member of said company, but who shall be

present at any actual fire, and who shall refuse to obey any order or direction of any officer of said company, to aid in extinguishing said fire, shall be liable to a fine not exceeding three dollars, nor less than fifty cents.

1831.

SEC. 5. *Be it further enacted*, That the captain, two lieutenants, treasurer, and clerk, shall constitute a board of assessment, a majority of whom shall form a quorum to assess fines, and to hear and determine all other cases presented to them under this law and the by-laws of the company; and all fines which shall be assessed by said board, shall be put in the hands of some constable, as soon as may be, by the clerk, for collection, who shall collect the same as soon as possible, and when so collected, pay the same over to the treasurer of said company; and said constable may be proceeded against by the captain of said company, for failure of duty or delinquency, in the same manner that constables may be proceeded against in like cases.

The officers of the company to constitute a board for the assessment of fines, &c.

SEC. 6. The clerk shall keep a book, in which he shall record whatever may be done by the company and board aforesaid; and the treasurer shall keep a book to enter all moneys received and paid by him; both of which books shall be open at all times to the inspection of any member of said company, or any citizen of said town.

Duty of the clerk and treasurer.

SEC. 7. The fines so collected and paid over to the treasurer, shall be appropriated by the board in building or repairing their engine-house, engine, purchasing hose, ladders, buckets, and other necessary instruments and apparatus used by fire companies. All orders for money to be drawn by the commandant of the company on the treasurer, and countersigned by the clerk.

How fines are to be appropriated.

SEC. 8. The officers and members of said company, so long as they continue such, shall be exempt from militia duty, in time of peace.

The officers and members exempt from militia duty.

CHAP. DCXVI.

AN ACT to authorize the trustees of Pikeville to sell the Seminary lands of Pike county, and for other purposes.

Approved, November 26, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Pike county, at their next May term, (a majority of

The county court may di-

1831.

rect a sale of
the seminary
lands.

all the justices of the peace of said county being present, and a majority of said court concurring therein,) may, by their order, direct the trustees of the town of Pikeville to sell the seminary lands belonging to said county, on such credit as the court, by their order, may direct, taking bond with sufficient security from the purchaser or purchasers, having first advertised the time and place of sale, in three of the most public places in said county, at least one month before sale.

The county
court attorney
to collect the
sale money.

Money—how
applied.

SEC. 2. *Be it further enacted*, That it shall be the duty of the attorney for the county court, at the request of any one of the trustees aforesaid, to prosecute a suit or suits, (as the case may require,) attend to the collection of the money, to pay the same, when collected, to the trustees aforesaid, to be applied by them to the purchase of a suitable piece of ground, to be selected by a majority of said trustees, and the building a seminary in said town.

An act of Dec.
1830 repealed,
in part.

SEC. 3. *Be it further enacted*, That the act to amend an act "regulating the appropriation of fines and forfeitures, so far as regards the counties of Christian, Madison, Russell, and Estill," approved, December 30, 1830, be, and the same is hereby repealed, so far as it regards the county of Estill.

The fines in
Estill county
appropriated to
their seminary.

SEC. 4. *Be it further enacted*, That all fines now collected and uncollected, or that may be hereafter assessed in the county of Estill, shall be paid over to the commissioners appointed to erect the Estill seminary, who shall appropriate the same in the building thereof.

Vacancies in
the board of
building com-
missioners to be
filled by the
county court.

SEC. 5. *Be it further enacted*, That the county court of Estill shall have power, from time to time, to fill any vacancy that may happen in the building commissioners now appointed, under the provisions of an act "to appoint commissioners to settle with the trustees of the Estill seminary lands and for other purposes," approved, January 13, 1831.

Commissioners
may sell the
seminary lands.

SEC. 6. *Be it further enacted*, That the commissioners shall have power to sell and convey all lands belonging to said seminary.

CHAP. DCXVII.

AN ACT to establish an election precinct in Hardin county.

Approved, November 26, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of the county

of Hardin within the following bounds, to-wit: beginning on Nolin, opposite the mouth of Valley creek; thence a straight line to the Hart county line, passing the grand Squirrel spring; thence with said Hart county line to the road leading from Munfordsville to Bardstown; thence with said road to Barren run; thence down said run to Nolin; thence down the same to the beginning, shall be erected into an election precinct; and all elections in said precinct shall be held at the house now occupied by captain John Price; and it shall be the duty of the county court of Hardin county, to appoint the necessary officers to conduct the elections in said precinct; and they shall be governed by the same regulations, and receive the same compensation as the law directs in similar cases.

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Bounds of the precinct.

Judges and clerk to be appointed to conduct the elections, &c.

CHAP. DCXVIII.

AN ACT for the benefit of Jether Stroud and Minerva Alma Right Stroud.

Approved, November 26, 1831.

WHEREAS, Jether Stroud, of Christian county, hath represented to the present General Assembly, that he is the father of an only child, a natural born daughter, called and known by the name of Minerva Alma Right Stroud, now residing with him, and partly raised by him; which child he is anxious to legitimate as far as practicable, and have her made capable, in law, to inherit his estate; Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said natural born child shall hereafter be lawfully called and known by the name of Minerva Alma Right Stroud, and that she, and any issue she may lawfully have, shall be as able and capable in law of inheriting the estate, both real and personal, of the said Jether Stroud, as if she were his legitimate child, born in lawful wedlock; and that she be, in all respects, as able and capable of transmitting inheritance, as if she was the lawful child of Jether Stroud.

1831.

CHAP. DCXIX.

AN ACT to incorporate the Rolling Fork bridge company.

Approved, December 2, 1831.

A company incorporated to build a bridge across Salt river.

Style of the company, and the usual powers granted.

Amount of capital stock.

Certificates of shares to be issued.

Books for the subscription of stock to be opened.

First meeting for the election of president and directors.

President and directors to be elected annually.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Matthew Wilson, Thomas Joyce, and John Purcell, of Bullitt county; and Henry Wise, John Brewer, and H. G. Wintersmith, of Hardin county, with their associates, shall be, and they are hereby created a body politic and corporate, in deed and in law, for the purpose of erecting a permanent bridge across the Rolling fork of Salt river, at some point to be selected, between the mouths of Wilson's and Crooked creeks, by the county courts of Bullitt and Hardin. The company, hereby created, shall be styled and known by the name of the president, directors and company of the Rolling fork Bridge Company, and shall have perpetual succession, and be capable of taking and holding, as tenants in common, their capital stock, and the increase and profits thereof; and also such lands and tenements as shall or may be necessary for carrying into effect their plan for a permanent bridge; and by their corporate name and style, may sue and be sued, contract and be contracted with, and enjoy all the privileges incident to a corporation. The capital stock of the company shall be six thousand dollars, divided into shares of one hundred dollars each, for which, when the bridge is completed, the president and directors shall issue scrip to the holder, which shall pass by assignment and delivery.

SEC. 2. *Be it further enacted,* That the persons named in this act, shall cause books of subscription to be opened at Shepherdsville and Elizabethtown, and cause them to be kept open as long as they may judge proper; and whenever thirty shares of said stock shall be subscribed, they may call a meeting of the shareholders and give them notice of the time and place of meeting; at which meeting, the shareholders shall choose a president and four directors, to manage the affairs of the company. The president and directors shall remain in office until the first Monday of January next succeeding their election. and until their successors are elected; and on the first Monday in January in each year, after the first election, the shareholders shall meet at some convenient place to be appoint-

ed by the president and directors for the time being, of which notice shall be given, and elect a president and directors for said company; each share of stock shall entitle the holder to one vote.

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SEC. 3. *Be it further enacted*, That the county courts of Hardin and Bullitt counties may, and they are hereby authorized to subscribe for, and on account of, their counties, any portion of the capital stock not exceeding ten shares for each county, and may pay for the same out of their county levies; they may also appoint some person, from time to time, to vote on the stock of their respective counties.

The county courts of Bullitt and Hardin authorised to subscribe for stock in said company.

SEC. 4. *Be it further enacted*, That the bridge, to be built by the company, shall be built on stone abutments, of sufficient strength to be permanent, and twenty feet above high water mark; no pillars or piers are to be built in the river, nor shall the abutments extend into the river.

The abutments and piers to be of stone, and not to project in the river.

SEC. 5. That when said bridge shall be completed, it shall be lawful for the company to appoint toll-gatherers for said bridge, and collect and receive of and from all and every person or persons using said bridge, the following rates of toll, to-wit: for every twenty head of sheep or hogs, six and one fourth cents; for every head of cattle, two cents; for every horse or mule, laden or unladen, with rider or leader, four cents; for every sulky, chair, or chaise with one horse and two wheels, nine cents, and with two horses, twelve and a half cents; for every chair, coach, phaeton, chaise, stage, wagon, coachee, or light wagon with two horses and four wheels, sixteen cents; for either of the carriages last mentioned, with four horses, twenty-five cents; for every sleigh or sled, three cents for each horse drawing the same; for every cart, or other carriage of burden, five cents for each horse drawing the same; and for each person, two cents; and they shall have power to stop any person riding, leading, or driving any cattle, hogs, sheep, horses, mules, sulky, chair, chaise, phaeton, cart, wagon, sled, or other carriage of burden or pleasure, from passing over said bridge, until they shall have respectively paid the toll required; *Provided*, that after paying all expenses, and keeping the bridge in repair, the profits shall not exceed ten per cent. per annum.

Tolls may be collected for passing the bridge.

Proviso.

The president and directors may make calls on the subscribers for stock, &c.

SEC. 6. *Be it further enacted*, That the president and directors shall have a right to make such calls on the stockholders, for payment of instalments on their

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To keep a record of their proceedings.

stock, as shall be necessary, in the progress of the work, to meet their contracts; and the president and directors shall keep a record of their proceedings, and make half yearly dividends of the nett profits derived from tolls.

CHAP. DCXX.

AN ACT prescribing the mode of choosing electors to vote for President and Vice-President.

Approved, December 2, 1831.

Elections for electors of president and vice-president to be held in Nov. 1832.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the qualified voters of this Commonwealth shall meet at their respective court-houses, and other places appointed by law for holding elections in their respective precincts within each county, on the first Monday in November next, and vote for as many electors for President and Vice-President of the United States, as by the constitution and laws of the United States, they may at that time be entitled to vote for; at which election the same rules and regulations shall be observed by the several sheriffs, clerks, judges, and voters, as is now provided by law in electing members of the General Assembly.

The times and places of comparing the polls in the several precincts, counties, and for the state.

SEC. 2. *Be it further enacted,* That the several sheriffs holding elections in election precincts, shall meet on the fifth day inclusive, after the commencement of the election, and there make a faithful addition of the number of voters taken in their counties; and the sheriffs in each county shall, on the fifteenth day inclusive after the commencement of the election, meet at the town of Frankfort, and then and there compare the polls of their respective counties, in the same manner and under the same rules and regulations, and in cases of failure, subject to the same penalty as is prescribed by law in electing members to congress; and having made the said comparison and addition of the voters of all the counties in the state, they shall certify under their hands and seals, the names of so many persons voted for as electors, as the state may be entitled to elect, and who shall have received the greatest number of votes of all those voted for as electors; and shall, thereupon, immediately deliver such certificate to the secretary of state, under the penalty of two thousand dollars, to be collected by motion or in-

Penalty on the sheriffs for failure.

Sheriffs to compare polls, and certify to the Secretary of State the persons elected.

Penalty for a failure to do so.

dietment, in any court having cognizance of the same, ten days notice having been given of such motion, one half to the use of the Commonwealth, if prosecuted by way of indictment; and the secretary, on the receipt of such certificate, shall cause the names of the persons so elected, to be published in the paper of the public printer for the time being.

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SEC. 3. *Be it further enacted,* That if any sheriff shall fail to attend, at Frankfort, to compare the polls of his county, as directed by this act, the other sheriffs who shall have attended, shall wait at least two entire days before they make out their certificate; and each and every sheriff who shall make default until the certificate is actually made out, shall be subject to a fine of not less than five hundred dollars, nor more than one thousand dollars, to be recovered in the same manner as is prescribed by the second section of this act.

Sheriffs to wait two days at Frankfort for those sheriffs who do not attend previous to making out certificate.

Penalty on sheriffs for non-attendance.

SEC. 4. *Be it further enacted,* That the electors so elected, shall meet in the town of Frankfort on the first Wednesday in December, one thousand eight hundred and thirty-two, and vote for President and Vice-President of the United States, and make return thereof agreeably to the laws of the United States in that case made and provided; and the sheriffs for attending and comparing the polls under this act, shall be entitled to the same allowance and paid in the same manner as for attending and comparing the polls for members of congress; and each elector shall be allowed three dollars for every twenty-five miles he shall necessarily travel, and three dollars per day while attending in Frankfort as an elector; for which the auditor is directed to issue his warrant on the treasury.

Electors to meet at Frankfort to vote for president and vice president in December.

Compensation to the sheriffs and electors for their services.

SEC. 5. *Be it further enacted,* That the sheriffs of the respective counties in which the electors reside, shall give such elector notice, in writing, of his being elected, within eight days after comparing the polls; and on failure, shall be subject to a fine of one hundred dollars, to be recovered as other fines herein prescribed.

The sheriffs of the counties where electors reside, to give them notice of their election.

SEC. 6. *Be it further enacted,* That if from sickness, death, or any other cause, any one or more of the electors fail to attend on the day appointed, the place of such elector shall be filled by the legislature, by joint ballot of both houses; and such elector or electors shall have the same authority to vote for President and Vice-President, as the electors originally chosen would have had if they had attended.

Vacancies in the college of electors to be filled by the legislature.

1831.

CHAP. DCXXI.

AN ACT to confer certain powers on the county and circuit courts of Scott county.

Approved, December 2, 1831.

The circuit and county courts authorized to have their record books rebound, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county and circuit courts of Scott county are hereby authorized to direct their respective clerks to send their record books to any book bindery in a neighboring county, for the purpose of having them rebound; the expenses attending said removal and binding to be paid out of the county levy of Scott county.

CHAP. DCXXII.

AN ACT allowing sheriffs, and other officers, fees in certain cases.

Approved, December 2, 1831.

Fees allowed sheriffs and other officers on a stay of execution by a writ of replevin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, when any sheriff or other officer shall levy any writ of *feri facias*, by the direction of the plaintiff, his agent or attorney, and the said levy shall be staid by a writ of replevin, the said sheriff, or other officer, shall receive the same fees from a plaintiff that a sheriff is now allowed by law for levying a *feri facias*, when staid by injunction.

CHAP. DCXXIII.

AN ACT for the relief of the surveyor of Green county, and the coroner of M'Cracken county.

Approved, December 2, 1831.

Further time allowed them to renew their official bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the surveyor of Green county to execute the bond required by law, (and which ought to have been executed in the year 1830) in the year 1832, any law to the contrary notwithstanding; and which bond, when executed, shall be as valid as if it had been executed in due time.

SEC. 2. *Be it further enacted,* That the time of six months be, and the same is hereby allowed to the coroner of M'Cracken county to execute or renew his bond.

CHAP. DCXXIV.

1831.

AN ACT authorizing the sale of the Mountsterling seminary, and lot, and for other purposes.

Approved, December 2, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Hoffman, Wm. Chiles, Thomas Call, R. Thompson Smith, and Daniel Orear, be, and they are hereby appointed trustees of the Mountsterling seminary; and the said trustees of said seminary shall have power to fill any vacancy that may occur in said board. Trustees appointed.

SEC. 2. *Be it further enacted*, That the said board of trustees, (a majority of them concurring therein,) are hereby authorized and empowered to sell and convey the lot of ground, and appurtenances, in the town of Mountsterling, belonging to said seminary, upon such terms and conditions as they, in their judgment may deem most beneficial to said seminary; and the proceeds thereof to be applied to the purchase of a suitable site, with or without improvements, for the use and benefit of said seminary. Authorized to sell the seminary lot and ground.

SEC. 3. *Be it further enacted*, That the said trustees shall, before they proceed to make sale of said property, enter into bond in the county court of Montgomery county, in the penalty of five hundred dollars, for the faithful disposition of the proceeds of said sale. To give bond and security.

SEC. 4. *Be it further enacted*, That the said trustees, and their successors in office, shall have the control and management of said seminary, in all respects agreeably to the general law now in force regulating seminaries of learning in this Commonwealth. All laws coming within the purview of this act, shall be, and the same are hereby repealed. Powers granted to the trustees.
Repealing clause.

CHAP. DCXXV.

AN ACT for the benefit of the administrator of Marquis D. Richardson.

Approved, December 2, 1831.

WHEREAS, it is represented to this present General Assembly, that Marquis D. Richardson, late deputy sheriff of the county of Fayette, departed this life in the state of Georgia, and that some considerable time elapsed thereafter before letters of administration Recital.

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The administrator authorized to list the fee-bills of the deceased for collection.

May be distrained for.

were granted upon his estate; and that he was possessed of various fee bills, which had been listed with him for collection, and for which he had accounted to the proper officers during his life, or for which his administrator has accounted since his death; Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William H. Richardson, the administrator of Marquis D. Richardson, deceased, may, from time to time, list the said fee bills with the several sheriffs or other officers authorized and required by law to receive and account to the several officers in this Commonwealth, for fee bills listed with them for collection; and the said officers, with whom the said several fee bills may be listed for collection, shall have the same power to distrain for said fee bills, and shall account to the administrator of said Marquis D. Richardson therefor, as in other cases.

CHAP. DCXXXVI.

AN ACT establishing an election precinct in Hardin county.

Approved, December 2, 1831.

Boundary of the precinct.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Hardin county, lying within the following bounds, shall be, and the same is hereby declared an election precinct, to be called the Rough creek precinct, viz: beginning at the Big spring, running with the Breckenridge county line to Rough creek; thence up Rough creek to Geoghegan's old mill; thence with the Elizabeth town road to the Salt river road; thence with said road to the Meade county line; thence with the said Meade county line to the beginning; and that the elections in said precinct shall be held at the house of Robert Vertreese.

Place of voting.

Elections—how and by whom to be conducted, &c.

SEC. 2. *Be it further enacted,* That it shall be the duty of the county court of Hardin county, to appoint two of their body as judges, and also some fit person as clerk, (at some one of the two terms next preceeding any election,) whose duty it shall be, (together with the sheriff of Hardin county, or some sworn deputy,) to attend at the house of Robert Vertreese, within the boundary of said precinct, upon all election days; and shall be governed, in the discharge of their duties, by

the general laws now in force in this Commonwealth,
upon the subject of elections.

1831.

CHAP. DCXXVII.

AN ACT to amend the law in relation to Idiots.

Approved, December 2, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, in any case, where a writ of *de idiota inquirendo* has been or shall hereafter be found, and the idiot has been or shall be hereafter provided for out of the public treasury, and said idiot removes within the jurisdiction of any other circuit, it shall be lawful for the committee of said idiot to apply to the clerk of the circuit court where the original writ may have been found, for a transcript of the record of the finding of the jury, and the order of court made thereon, which shall be certified to the clerk of the circuit wherein such idiot may be settled, which shall be entered upon the records of such circuit court at the next succeeding term after the same shall be made out; and thereafter all jurisdiction of the court wherein such finding was originally made, shall cease, and the necessary proof shall be made in the circuit court within whose jurisdiction such idiot may have been removed; and the said court shall certify the same to the auditor of this state, who shall pay the same as in other cases. But to prevent impositions upon the treasury, it shall be the duty of the circuit court within whose jurisdiction said idiot shall be removed, to state in the order fixing the compensation for the support of said idiot, that he or she has been transferred from another county, and from what county transferred; and that no application hath been made to the circuit court in which the inquest was found, and that none will be.

Mode of certifying the allowance, and providing for the payment thereof, of Idiots who have removed beyond the jurisdiction of the court where the inquest was found and recorded.

SEC. 2. *Be it further enacted,* That no inquest of idiocy or lunacy shall be tried, unless the person asserted to be an idiot or lunatic, shall be in court, or shall have had ten days notice; and it shall be the duty of the court to appoint some fit person to attend the inquisition on behalf of the defendant, whose duty it shall be to see that the defendant is not improperly condemned.

No inquest of idiocy or lunacy to be tried unless the person is present in court, or has had notice thereof.

1831.

CHAP. DCXXVIII.

AN ACT to establish an election precinct in Pike county, and for other purposes.

Approved, December 2, 1831.

An election precinct established in Pike county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an election precinct be, and the same is hereby established at the house of Ferrell Evans, in the county of Pike; and it shall be the duty of the county court of Pike county, to appoint judges and a clerk of the elections, to meet at the place aforesaid, who shall conduct the elections according to the laws of this Commonwealth regulating elections.

The place of voting in an another precinct in said county changed.

SEC. 2. *Be it further enacted,* That the place of voting at the election precinct in Pike county, held at the house of Thomas Beavens, shall hereafter be held at the house of John Deskins, near the mouth of Big creek; and shall be conducted under the same rules and regulations as other elections in said county.

The place of voting in a precinct in Floyd changed.

SEC. 3. *Be it further enacted,* That the place of voting at the election precinct in Floyd county, held at the house of Michael Darter, on the left hand fork of Beaver creek, shall hereafter be held at the house of Ichabod M'Brayer on said creek; and shall be conducted under the same rules and regulations as other elections in said county.

In Hopkins county changed.

SEC. 4. *Be it further enacted,* That the place of voting in an election precinct in Hopkins county, is changed from the house of Thomas Runnels, to the house of Richard Dunville, in said precinct.

Also, in Lawrence county changed.

SEC. 5. *Be it further enacted,* That the election held at the house of the widow Woods, on Blain creek in Lawrence county, shall be held at the house of Nerie Sweatman in said county, and shall be governed by the same rules and regulations as other elections in said county.

The precinct in Rockcastle abolished.

SEC. 6. *Be it further enacted,* That the law establishing an election precinct in Rockcastle county, be, and the same is hereby repealed.

The 4th section of an act of 1830 repealed.

Be it further enacted, That the fourth section of an act entitled, "an act concerning election precincts in certain counties," approved December 29, 1830, be, and the same is hereby repealed; and the election shall hereafter be held at M'Gee's mill, as heretofore, before the passage of said act.

CHAP. DCXXIX.

1831.

AN ACT to amend the several laws establishing and regulating the town of Covington.

Approved, December 2, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, whenever it shall be desired by the owners of a greater part of the ground fronting on any of the streets from the external boundary to an intersecting street, or between intersecting streets in the town of Covington, to grade and pave the same; and such desire shall be made known to the trustees of said town, by petition in writing, signed by two-thirds of the lot holders on said street or streets, so proposed to be graded and paved; it shall and may be lawful for the trustees of said town, and full power and authority is hereby given them, to levy and impose such a tax upon the owner or owners of lots upon said street or streets, so proposed to be graded and paved, as may be sufficient to effect and complete the same, in such manner as said trustees may direct.

The trustees authorized to have the streets of the town paved, and may impose a tax for that purpose.

SEC. 2. *Be it further enacted,* That the trustees of said town, in levying the tax for the purpose specified in the first section of this act, shall apportion the same among the respective lot holders, upon the street or streets, so proposed to be graded and paved, according to the extent of ground which each of said lot holders may own, fronting upon said street.

Mode of apportioning the tax among the owners of lots—

SEC. 3. *Be it further enacted,* That said trustees shall have full power and authority to collect and enforce the payment of said tax, imposed for the purposes aforesaid, in the same manner that other taxes are made payable and collectable in said town.

And of collecting the same.

SEC. 4. *Be it further enacted,* That the trustees, of said town of Covington, shall have full power and authority to lease any public grounds, wharf, ferry, or other property, which may belong to said town, for a term of years, to such person or persons, and upon such conditions, and for such prices, as said trustees in their discretion may deem proper; *Provided,* that where the title to any public ground or property has been, or may hereafter be, vested in the trustees of said town, for particular and specific purposes, that nothing in this act shall be so construed as to authorize and empower said trustees, to appropriate said public ground or property for purposes different from those specified.

Authorized to lease out the public ground, ferries, &c. for a term of years.

Proviso.

1831.

CHAP. DCXXX.

AN ACT to regulate ferries, and the owners and keepers of ferries, across the Ohio river, within this Commonwealth, and for other purposes.

Approved, December 2, 1831.

The owners and keepers of ferries across the Ohio river, not to set over slaves from this state.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, no owner or keeper of a ferry across the Ohio river, within this Commonwealth, shall set over or convey any slave or slaves across the said river, from this Commonwealth, or any of the islands in said river, to the opposite shore thereof, out of this state, except in the cases herein allowed and permitted.*

No other person, not owning or keeping a ferry, permitted to set over slaves, or to loan them boats or water craft.

SEC. 2. *Be it further enacted, That no person who is not the owner or keeper of a ferry across the Ohio river as aforesaid, shall set over or convey any slave or slaves across said river, from this Commonwealth, or from any island in said river, to the opposite shore of said river; or aid, or assist, or lend to any slave or slaves any boat, skiff, capoe, or other watercraft to cross said river as aforesaid, except in the cases hereinafter mentioned and permitted.*

Slaves may be set over the river in the company of, or by written consent of, their masters.

SEC. 3. *Be it further enacted, That the owner or owners, keeper or keepers, of any ferry aforesaid, or other person or persons not the owner or keeper of such ferry, may lawfully set any slave or slaves across said river as aforesaid, in the presence and company of the owner or owners of such slave or slaves, and at his, her, or their request, or in the presence or company of some person or persons having the authority of the owner or owners of such slave or slaves, or the guardian or guardians of any such owner or owners; which authority shall be a power of attorney, signed by the persons making the same, containing a correct description of such slave or slaves, and the purposes of such authority and power; which shall be acknowledged by the party or parties making the same, before the clerk of the county court of the county in this state, where he, she, or they actually reside, and recorded and certified by such clerk.*

Penalty on the owners of ferries for a violation of this act.

SEC. 4. *Be it further enacted, That if any owner or owners of any ferry as aforesaid, shall offend against and violate the provisions of this act, he, she, or they, shall forfeit his, her, or their said ferry, and his, her, or their right of ferry shall cease and be void, and shall never thereafter be re-granted to him, her, or them, or*

to any other person or persons in trust or for the use of him, her, or them; and for every such offence, the owner or owners of such ferry, shall forfeit and pay two hundred dollars, to the owner or owners of such slave or slaves; which may be recovered in his, her, or their name or names, by action of debt, in any court of competent jurisdiction; and, moreover, be liable for the value of such slave or slaves to the owner or owners thereof.

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SEC. 5. *Be it further enacted*, That if any person or persons, not being the owner or owners, keeper or keepers, of any of the ferries aforesaid, shall set over or convey any slave or slaves across the Ohio river as aforesaid; or shall aid, assist, lend, or hire, any boat, skiff, canoe, or other water craft, to any slave or slaves, to pass or be conveyed across the Ohio river as aforesaid; every such person or persons so offending, shall forfeit and pay to the owner or owners of such slave or slaves, the sum of two hundred dollars for every such offence, to be sued for and recovered as aforesaid; and shall, moreover, be liable to such owner or owners, for the value of such slave or slaves, so passed or conveyed across the said river.

Penalty on others, not being the owners of ferries, for violating this act.

SEC. 6. *Be it further enacted*, That wherever a ferry shall be established across the Ohio river, within this Commonwealth, after the passage of this act, the owner or owners of such ferry or ferries, shall enter into bond, in the penalty of three thousand dollars, with good and sufficient security, to be approved of by the county court of the county in which said ferry or ferries may be so established as aforesaid; which bond shall, in addition to the provisions now required by law, contain a provision to secure any person or persons the penalties aforesaid; and the value of any slave or slaves who may be set over or conveyed across the Ohio river, contrary to the provisions of this act.

Condition of the bond to be given by the owner, or keeper, of a ferry across the Ohio river.

This act shall be in force from and after the first day of June next.

Commencing clause.

CHAP. DCXXXI.

AN ACT to authorize certain county courts to permit gates to be erected across certain public roads.

Approved, December 2, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of

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The Madison county court authorized to permit gates to be erected across a public road.

Madison shall have the power to permit John Willis and H Ezekiah Ricketts, to erect gates across the road that leads from the old hemp factory on Silver creek, in said county, to the intersection of the road from Richmond to Porter's old mill; *Provided*, that before such permission shall be given by said court, satisfactory proof shall be made to said court, that the public interest will not be injured thereby.

The county court of Bath invested with the same power.

SEC. 2. *Be it further enacted*, That the county court of Bath shall have similar power as is above granted to the county court of Madison; and, under the same restrictions, to permit Willis Collins to erect gates across that part of the white oak mill road, that lies between Warner Bailey's and its intersection with the prickly ash road in Bath county; and that William Sweatman be permitted to erect gates across the Blue Lick road that passes through his farm, on white oak creek.

Also, the county court of Boone.

SEC. 3. *Be it further enacted*, That the county court of Boone shall have similar power as is above granted to the county courts of Madison and Bath; and, under the same restrictions, to establish a county road from the Big Bone lick through the east bend bottom, to Waggoner's ferry, opposite the Rising Sun; granting to owners of the land, through which said road may pass, the privilege of erecting gates thereon; *Provided*, said gates are at least nine feet wide.

And the county court of Scott.

SEC. 4. *Be it further enacted*, That the county court of Scott are hereby authorized to permit Lewis Ford and Simeon True to erect gates over the road leading from Thomason's mill to James Patterson's mill.

Also, the county court of Wayne.

SEC. 5. *Be it further enacted*, That a majority of the county court of Wayne may permit John Dougherty and Franklin M'Kinney, to erect two gates each across the road leading from Monticello to Vanwinkle's ferry on Cumberland river, and on the road from Monticello to Columbia, on that part of said roads that pass over the lands of said Dougherty and M'Kinney.

Gates to be made sufficiently wide.

SEC. 6. *Be it further enacted*, That said gates shall be sufficiently large to admit the passage of wagons, &c. and, *Provided*, that a majority of the county courts aforesaid, may, at any time when they believe the public good requires it, discontinue one or all of said gates.

CHAP. DCXXXII.

1831.

AN ACT to change the constable's district in the first battalion in the 88th regiment of Kentucky militia.

Approved, December 2, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the constable's district, which is composed of the first battalion in the eighty-eighth regiment of Kentucky militia, shall be so changed as to include the residence of general Samuel Ireland in said district.

CHAP. DCXXXIII.

AN ACT to incorporate the City of Lexington.

Approved, December 7, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the county of Fayette as is contained within the following bounds, to-wit, one mile from the court-house in every direction, shall be, and hereby is declared to be a City; and the inhabitants thereof are created a body corporate and politic, with perpetual succession, by the name and style of the "City of Lexington;" and as such, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever; and may have and use a corporate seal, and change, alter, and renew the same at pleasure.

City of Lexington incorporated; style thereof, &c.

General corporate powers.

SEC. 2. *Be it further enacted,* That the fiscal, prudential, and municipal concerns, of the said City, with the government and control thereof, shall be vested in one principal officer, to be called the mayor, and one City council, consisting of twelve persons, to be denominated the board of councilmen; who shall be elected for the first time, on the first Saturday in January next, in the way that the trustees of the town of Lexington have heretofore been elected; and the councilmen shall hold their offices for one year, and until their successors shall be duly elected and qualified; and the mayor shall hold his office for one year, and until his successor shall be so elected and qualified; all of whom shall have resided in said City two years next preceeding the election, and be citizens of this state.

The government thereof vested in a mayor and twelve councilmen.

To be elected annually, and their qualifications.

1831.

City to be laid
off into four
wards.

Three council-
men to be elect-
ed in each
ward.

The bounds of
the wards may
be altered.

Who entitled
to vote for may-
or and council-
men.

An alphabeti-
cal list of voters
to be made out
annually.

Mode of con-
ducting elec-
tions for mayor
and council-
men; by whom
conducted, &c.

SEC. 3. *Be it further enacted*, That it shall be the duty of the mayor and councilmen, that shall be first elected under this act, to lay off the said City into four wards, for the purposes herein named, as nearly equal as possible as to number of inhabitants, improvements, and permanent boundaries; each of which wards is to be entitled to elect three councilmen, to be members of the board of councilmen; and it shall be the duty of the said mayor and councilmen, from time to time, to alter the boundaries of the wards so as to equalize the number of inhabitants in each, as nigh as may be; but such alteration shall not be made, except on a general census of all the inhabitants being previously taken.

SEC. 4. *Be it further enacted*, That on the first Saturday in January, in each year, succeeding the first election, the free white male inhabitants, over twenty-one years of age, of said City, who, at the time being, are inhabitants of said City, and have paid their poll tax to said City, chargeable to them for the year next preceding the election, at which they claim to vote, and who shall have, *bona fide*, resided therein for the space of six calendar months previous to said election, shall meet in the wards in which they respectively reside, and vote for the councilman or councilmen, such ward shall be entitled to elect, and for a mayor; and it shall be the duty of the mayor and councilmen previously elected, to cause an alphabetical list of the qualified voters in each ward, to be made out, ten days before the first Saturday in January, in each year, and to appoint three suitable persons in each ward as inspectors of the election, and to furnish them with a list of voters, and a warrant, directing them, or a majority of them, to hold the election in the same manner as other elections are held in this state; notice of the time and place of holding the elections, in the respective wards, shall be published in one or more of the public newspapers printed in said City, with the names of the ward inspectors. The election shall be held during the same hours, to be directed by the mayor and councilmen, in all the wards. The said inspectors shall exhibit, to all persons claiming the same, the list of the qualified voters respectively; and, on closing the polls at the hour mentioned in their warrant, they shall declare the same, and the three persons having the highest number of qualified votes, shall be declared as duly elected councilmen in each ward. The vote given for mayor

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shall be added up by the inspectors, and returned by them to the clerk of the board of mayor and councilmen, with the list of the polls of councilmen; which list shall be certified by a majority of said inspectors, and sworn to, as just and true returns of the election; which oath shall be administered by the mayor, or any justice of the peace; the return of the votes so made, shall be received by the said clerk and duly recorded in a book to be kept for that purpose. And it shall be the duty of the mayor and councilmen, to add up the votes from the several wards, for mayor, and the person having the highest number of votes shall be declared to be duly elected as mayor of said City for one year from the time of his election, and until a successor shall be so elected and sworn into office; and the mayor and councilmen, thus elected, shall be notified immediately of the same, by the clerk of the City then in office.

Sec. 5. *Be it further enacted*, That the mayor and councilmen of said City, shall enter on the duty of their respective offices, on the Thursday succeeding the first Saturday in January, in the year in which they are elected; and before entering on the duty of their respective offices, shall each be sworn to support the constitution of the United States and this state, and that they will well and truly discharge the duty of mayor, or of a councilman of the said City; which oath may be administered to the mayor elect, by any judge of any court of record in this Commonwealth, or by any justice of the peace for the county of Fayette; and the mayor, after he is sworn into office, shall administer the said oaths to each of the councilmen, or the same may be administered by any justice of the peace for Fayette county; and an entry shall be made on the records of the board, that said oaths have been duly administered.

Mayor and councilmen, when to enter into office.

To take an oath of office.

Sec. 6. *Be it further enacted*, That the mayor and councilmen, thus chosen and qualified, shall form one board, and shall sit and act together as one body; and at all meetings, the mayor, if present, shall preside; but, in his absence, the board may elect a chairman for the time being. The said board shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, which he shall hold for one year, and until another shall succeed him; removable, however, at the pleasure of the board, and shall be denominated "the clerk of the city;" whose duty it shall

Mayor and councilmen to form one board, the mayor to preside.

In his absence a pro tem. appointment may be made.

To choose a clerk.

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His duty.

What number
shall constitute
a quorum to do
business.Their meetings
to be public.

Mayor's salary.

Fees allowed
him.Duty and pow-
er of the mayor.

be, to keep a journal of the proceedings of the board, to sign all warrants issued by them, and to do all acts in his said capacity, that may be reasonably required of him; and to deliver over all papers and books entrusted to him, to his successor in office, immediately on such successor being chosen and qualified, or whenever he shall be thereto required by the mayor and councilmen. In all meetings of the board, six councilmen, with the mayor, or in the absence of the mayor, seven councilmen, shall constitute a quorum to do business; but in cases of levying the taxes, or in the election of any officer of the City government, or the passing any by-law or ordinance, seven councilmen shall concur; or when six councilmen shall be found voting in the affirmative, the mayor may be called upon to vote, and in case of his voting in the affirmative, the measure shall prevail. The board shall meet in some public place, to be provided for that purpose, and their deliberations and acts shall be public.

SEC. 7. The mayor of said City shall be the chief executive officer of said corporation, and shall be compensated for his services by a salary, payable quarterly, out of the funds of the corporation, to be fixed by the board of councilmen, exclusive of the mayor; which shall not exceed five hundred dollars per annum, and shall not be increased or diminished during his term of office; and to be exclusive of all fees he may receive for certifying documents of a public or private nature, or for services rendered individuals, which he may be called on to execute or perform in his official capacity. It shall be his duty to be vigilant and active, at all times, in causing the laws and ordinances of said City to be duly executed and put in force; to inspect the conduct of all subordinate officers thereof, and as far as is in his power, to cause all negligence, carelessness, and positive violations of duty, to be duly prosecuted and punished; he shall keep the public seal of said City, and shall keep an office in some convenient place in said City, and have power to administer oaths; he shall have power to summon a meeting of the board of councilmen, at any time, and so often as he may deem advisable, notwithstanding they may have adjourned to a more distant day; he shall preside at all meetings of the board, except in the case before mentioned; and in case of a tie on any question, he shall give the casting vote, but shall not, otherwise, have a vote in the board, except in the cases herein before specified.

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It shall be his duty, from time to time, to communicate to the board of councilmen, all such information, and recommend all such measures, as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, and ornament of said City; he shall, in his judicial capacity, have exclusive original jurisdiction in all cases for the violation of the ordinances of said City, and civil and criminal jurisdiction in all cases, where, by the laws of this state, justices of the peace within the county of Fayette are, or shall be, authorized to hear and determine, or in any manner have power to act; and as to committing criminal offenders, and sending them on for trial, he shall have the powers of two justices of the peace: and for the due and efficient exercise of the powers herein and hereby vested in him, he shall have power, and it shall be lawful for him to award all such process, and issue all such writs as may be necessary to enforce the due administration of right and justice throughout said City, and for the lawful exercise of his jurisdiction agreeably to the usages and principles of law: *Provided*, that in all cases where said mayor shall render judgment, of which, by law, the justices of the peace for the county of Fayette would have had jurisdiction, the party feeling himself, or herself, aggrieved by the decision, judgment, or determination of said mayor, shall have the same right to appeal to the circuit court for Fayette county, and shall be entitled to the writ of *certiorari*, in the same manner, and on the same terms and conditions, and subject to the same restrictions and limitations as he or she might or could have had, had such judgment been rendered by any justice of the peace for the county of Fayette; and bonds are to be taken, and such proceedings had, by the mayor, in such cases as are now had before any justice of the peace for said county.

To have jurisdiction in civil and criminal cases, in all cases where Justices now have.

Appeals may be taken to Fayette circuit court.

SEC. 8. *Be it further enacted*, That the mayor of said City shall have the same power and authority, to take the acknowledgement of deeds and powers of attorney, and to take the privy examination of *feme covert*s, and certify the same, that the clerks of the several county courts have, within this Commonwealth; and his certificate shall authorize the recording thereof in like manner, and he shall have, and be entitled to receive, a fee of fifty cents for each certificate so made; he shall also have power and authority, to examine witnesses under *dedimus*, from any court within this,

Mayor authorized to take acknowledgement of deeds, powers of attorney, &c.

Fee therefor.

To take depositions.

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Fees allowed
the mayor.

or any of the United States, or foreign country, and shall be entitled to receive a fee of one dollar, for each witness so examined; and, in all cases, where he shall affix the seal of the corporation to any document, by request, he shall be entitled to receive the sum of one dollar; he shall also have power and authority to take depositions in said City, in all other cases where justices of the peace are now authorized to take the same: *Provided*, that said mayor, for the performance of such duties, and the exercise of such powers as come within the jurisdiction of justices of the peace for the county of Fayette, shall be entitled to demand and receive the same fees, and no more, as are allowed by law to justices of the peace, except where they are herein differently provided for; and he shall, in no case, demand or have any fee for any service rendered to said city, except the annual salary herein provided for; and he shall have the right to issue fee bills, and collect them, in like manner as justices of the peace now have.

The powers and
authority granted
to the trustees,
vested in the
mayor and
councilmen.

May adopt the
by-laws and
ordinances of the
late trustees.

Authorized to
employ watch-
men.

Powers and
duty of watchmen.

SEC. 9. *Be it further enacted*, That the mayor and councilmen shall have and possess all the powers and authority heretofore vested in the trustees of Lexington, either by the general laws of this Commonwealth, or the particular laws now in force, in respect to the town of Lexington, with power and authority to adopt the by-laws and ordinances of said town, and the same to repeal, alter, and amend, as to them shall seem best; and with full power and authority to pass such by-laws and ordinances, with adequate penalties, as they shall, from time to time, deem expedient for the government of said City, not contrary to the constitution of this state, or of the United States. The said mayor and councilmen shall have the power and authority to appoint and employ as many watchmen, either for the day or night, as in their discretion they shall judge best, for the safety and advantage of the City; and such watchmen shall be conservators of the peace, and vested with power to apprehend all felons, gamblers, rioters, breakers or disturbers of the peace, vagrants, persons of evil fame, and of riotous, disorderly conduct; and carry them, with such evidence as they may possess, before the mayor, or some justice of the peace, to be dealt with according to law; and if such apprehension is in the night, then, to the watch-house, for safe keeping, until the morning; they shall also be vested with the power and duty of patrollers.

SEC. 10. *Be it further enacted,* That the mayor and councilmen may receive conveyances, or the consent in writing, of the proprietors of lots or lands within the City, for the purpose of locating new streets or alleys, or extending any of the streets or alleys of said City to the limits thereof; and on receiving the same, may direct such streets or alleys to be extended or opened; and when they shall deem it proper to have any new street or alley opened, or any of the streets or alleys of said City extended, in part, or to the limits thereof, to petition the Fayette circuit court, stating the street or alley they wish opened or extended, and the names of the owners, if known, of the lots and lands through which they desire to have such street or alley opened, or extended, and the width thereof; and thereupon, said court shall order a summons to issue for such owner, to appear on some convenient day of that, or some subsequent term, to show cause why such street or alley should not be opened or extended; which summons shall be executed on such owner, if in the county, if not, on his agent, if one is known, and on the return of the summons, executed, or the return of no inhabitant or known agent, and no one appearing, the court shall order the street or alley to be opened or extended; and if any one or more of such persons shall appear, they shall have a right to claim a writ of *ad quod damnum*, which the court shall award to the proper officer, to be executed as other writs of that nature for opening roads; and on the return of the writ, executed, the court shall order the mayor and councilmen to pay the damage assessed, and shall order the street or alley to be opened or extended. The mayor and councilmen shall have full power and authority, to cause all streets or alleys to be opened, and cleared of all obstructions, by the infliction of suitable fines and penalties.

SEC. 11. *Be it further enacted,* That the mayor and councilmen shall have full power and authority, to cause and procure all the streets and alleys in said City, now established, or hereafter to be established, to be paved or turnpiked, at the cost and expense of the lot-owners fronting such streets or alleys; and a petition in writing, of the owner or owners of a greater part of the ground fronting on any square, shall be sufficient to authorize a contract for the paving or turnpiking the street or alleys in such square: *Provided, however,* that the mayor and councilmen, by their unanimous consent

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Powers of the mayor and councilmen in relation to locating new streets, &c. or opening or extending the old streets, &c.

Mode of proceeding to condemn the ground therefor.

Their powers in relation to paving the streets and alleys.

Provide.

1831. in council, may cause any street or alley, in any square in said city, to be paved or turnpiked at the cost and expense of the owners of lots, or parts of lots, fronting such street or alley, without any petition or consent; and when the paving or turnpiking shall be completed, they shall apportion the costs and expenses equally, on the lot-holders, and a lien is hereby given on the lots; and parts of lots, for the same; which costs and expenses may be listed and collected, as other taxes, by the City collector, and who shall have authority to sell and convey the lots, and parts of lots, for the same, under the by-laws and regulations of the mayor and councilmen: *Provided also, however,* that the owner of any lot, or part of a lot, sold for paving or turnpiking, who has not consented in writing, for that purpose, shall have five years to redeem the same, on paying the purchase money, with ten per centum interest per annum, with all the taxes and levies that may have subsequently accrued; and those who have consented in writing, may redeem it, any time within one year, on the payment of the like interest: *Provided,* that infants shall have one year after arriving at full age, on like terms.

Lots sold for the cost of paving in front of them subject to be redeemed.

SEC. 12. *Be it further enacted,* That the mayor and councilmen shall have power and authority, to cause and procure the side walks to be paved with stone or brick, and to apportion the costs and expenses on the owners of lots fronting thereon, and a lien is given on the lots for the same; and the mayor and councilmen shall have the like authority and power, to cause and procure the streets and alleys now established, or hereafter to be established, within said City, to be filled, levelled and graduated, for the purpose of carrying off the water, or preparatory for paving or turnpiking, at the cost and expense of the lot-owners fronting the same, and a lien is hereby given on the lots, and parts of lots, for such cost and expense; and the cost and expense accruing under the provisions of this section, shall be listed and collected in like manner as that for paving and turnpiking, and the collector shall have the like authority to sell and convey the same, as is provided for, in the previous section, and subject to redemption in one year from the day of sale; and in case of infants, in one year after they arrive at full age, by paying ten per centum interest thereon.

May cause the side-walks to be paved, and streets graded, under the provisions above.

SEC. 13. *Be it further enacted,* That the mayor and councilmen of said City, shall have and possess the

Power given the

powers hereinafter mentioned. First: To purchase, hold, and sell, real estate within the limits of said City; also, to purchase, hold, and sell, personal property and stock in incorporated companies: Second: The said mayor and councilmen, shall have the power to borrow money on the credit of the corporation, and pledge any of the corporation property for the redemption of the same; or to pledge any part of the future taxes of the City, for the payment of the interest on said loan: *Provided*, that the interest paid, in no case, shall exceed six per centum per annum, and that the amount on loan, at any one time, to said City, shall not exceed thirty thousand dollars. Third: They are authorized and empowered to appoint inspectors of flour, tobacco, whiskey, beef, and pork, butter, and lard, for exportation; to provide against fraud thereon, and to make such by-laws as shall be needful, to carry the same into effect, and to punish breaches thereof. Fourth: They are vested with the power and authority to appoint a health officer, to establish regulations, which may be necessary and proper, to prevent the introduction of the small pox, and to eradicate such disease when it shall have made its appearance in said City: *Provided*, that nothing herein shall be construed to give any power to establish any regulation inconsistent with the constitution and laws of the state, or to prevent the legislature from changing, by law, any regulation which may be made by said corporation on this subject, or in relation to inspections. Fifth: They shall have the power to organize a fire department for the extinguishment of fires that may happen within said City; to provide engines and other apparatus for that purpose, and to appoint a suitable number of able bodied men, not exceeding twenty to each engine, who shall be exempted from serving on juries, and doing militia duty in time of peace, during the time they are attached to such engine; the said enginemen to be appointed for any term that the mayor and councilmen shall ordain, and be discharged by them at pleasure: and the said mayor and councilmen shall make all necessary by-laws to punish any inhabitants of said City for non-attendance or disorderly or improper conduct during the time of fire. Sixth: The said board shall have the power, with the concurrence of three-fourths thereof, to prohibit the erection of buildings of wood, or to regulate the size and height of such buildings, in any part of said City, whereby great danger may ensue to

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mayor and council.

To purchase and hold real and personal property.

To borrow money and pledge property, or future taxes, for its re-payment.

To appoint inspectors of tobacco, flour, &c. and enact by-laws in relation thereto.

To appoint a health officer.

Proviso.

To organize a fire department for the extinguishment of fires; provide engines, apparatus, &c.

To prohibit the erection of wooden buildings, under certain restrictions.

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Their decision
may be appeal-
ed from.

May levy taxes
on the city, and
appoint a col-
lector.

His duty and
powers.

To give bond
and security.

May be remov-
ed from office.

May be pro-
ceeded against,
by motion, in
Fayette circuit
court; and lien
given on estate
of collector.

value of each; taverns, grocers, victuallers, retailers, and confectioners, and houses of public resort, except gaming houses and houses of ill fame; hacks, drays, carts, wagons, and porters plying in said City for hire; and when said lists shall be completed and returned to the board of mayor and councilmen, they shall give a reasonable notice, that any inhabitant of said City may examine the same: and if any one should feel aggrieved thereby, in an excess of valuation, application may be made to the mayor and councilmen; and on proof being made to their satisfaction, the valuation may be changed, provided the application is made within the time which may be prescribed by them; after which time, no abatement or change shall be made. The mayor and councilmen shall proceed to lay and levy the taxes for the current year, from estimates previously submitted to the board, by the mayor, provided the same shall not exceed forty cents on each hundred dollars for such valuation; and for the general expenses of said City government, such as the police salaries, the support of the poor, and all charges for the well governing and ordering of said City throughout, the estimate shall be presented by the mayor. A tax shall be levied on each free male inhabitant of twenty-one years of age and upwards, except paupers, inhabiting said City, at a ratio not exceeding one dollar and fifty cents each; and when the said tax is made out and fixed, as herein provided, bills shall be placed in the hands of a collector or collectors, to be appointed by the mayor and councilmen, with their warrant to collect the same. The power of the collector or collectors of the City tax, shall be the same, as to the distraining, advertising, and selling property, as is now granted by law to the sheriff, in the collection of the state revenue and county levy; bond with good security, in an adequate penalty, shall be taken, payable to the City of Lexington; and he or they shall be removable, at the pleasure of the mayor and councilmen. The City collector and his securities, shall be liable to judgment, by motion, in the Fayette circuit court, for failing to collect and pay over any sums put in his hands for collection, at the time stipulated, with ten per centum interest and costs; and five days notice of such motion shall be sufficient, and there shall be no replevin or valuation of property on executions issuing on such judgments: a lien shall exist on the real estate and slaves of said collector, and his securi-

ties, for the payment of all sums placed in his hands for collection. Eleventh: No theatrical, or other show, or exhibition, or performance of any kind, for money, shall be opened or held within the boundaries of said City, unless the same shall be licensed by the mayor and councilmen; and they shall have the power of taxing the same according to the magnitude thereof, and to pass by-laws and ordinances regulating the same. Twelfth: The mayor and councilmen shall have power to erect and procure one or more suitable buildings as powder magazines; to provide suitable carriages for the conveyance of gun-powder; and to pass by-laws to prohibit the introduction of gun-powder into said City, with penalties for breaches thereof, in addition to the forfeiture of the powder so introduced. Thirteenth: The mayor and councilmen shall have power and authority to establish one or more free-schools in each ward of said City; and may receive donations of real and personal estate to erect the necessary buildings, and to provide the revenue for their maintenance, by a tax on the ward where such school or schools shall be established.

SEC. 14. *Be it further enacted*, That the circuit court for Fayette county, shall have jurisdiction to try vagrants within the said City; who shall, if convicted, be sentenced to labor in the City work-house, for a period not less than three nor more than six months, to be ascertained by a jury: and all persons convicted for violating the laws of the City, and failing to pay the fines inflicted therefor, shall be confined in the said work-house, at labor, until such fines are discharged, at fifty cents per day, instead of being confined in jail; and all slaves found hiring their own time in said City, with the consent of their master or owner, shall be subject to confinement in the same work-house, under the order of the mayor, for three months, who shall cause the master or mistress, or hirer of such slave or slaves, if within the City, to be first summoned to show cause, if any he, she, or they can, why it shall not be done: and fines for disturbing religious worship, and for breaches of the peace, and for riots, within the said City, may be assessed by a jury, before the mayor, to one hundred dollars: and all fines for a violation of the laws and ordinances of the City, shall be for its use. That the title for real estate, within the present town of Lexington, held in trust for others, shall be, and hereby is, vested in the mayor and councilmen of said

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Mayor and council may license theatrical and other exhibitions.

May erect a powder magazine, &c.

May establish free schools in the city, by a tax on the wards.

Vagrants to be confined in the city work-house

As, also, those who fail to pay fines inflicted for violating the city by-laws.

Also, slaves hiring their own time.

Fines for riots, and disturbing religious worship, may be inflicted for \$100.

That the title to property, heretofore vested in the trust-

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tees for the use of others, to be hereafter vested in the mayor and council.

The by-laws to be recorded; and a journal of their proceedings to be kept, and published.

As, also, an account of the receipts and disbursements.

Vacancies in the offices of mayor, &c. how filled.

The collection of a county levy discontinued in said city.

The mayor and councilmen may elect subordinate officers.

May enact by-laws, with suitable penalties.

City, and their successors, subject to the like trust, under which it was held by the trustees of Lexington; and in suing the City, the writ shall run against the mayor and councilmen of the City of Lexington; and service on the mayor, or clerk, or secretary, shall be sufficient service of such process.

SEC. 15. *Be it further enacted*, That the mayor and councilmen shall cause all the by-laws and ordinances passed by them, to be fairly recorded in the journal of their proceedings, and publish the same in one or more newspapers printed within said City; and annually to make out and publish a report of their proceedings, with an account of all monies received and paid out by their order, during the year that they have been in office.

SEC. 16. *Be it further enacted*, That, in the event of the death, resignation, or refusal to act, of the mayor, the councilmen shall proceed to elect one of their own number, to supply his place; and the person so elected, shall be the mayor of said City, until a new election is had, and, the mayor elected, sworn into office: and the mayor and councilmen shall immediately proceed to order another election, to supply such vacancy, for the residue of the term, as in the original election of said mayor: and in the like event, of one or more councilmen, the board shall direct a new election, in the ward or wards, in which the vacancy shall happen.

SEC. 17. *Be it further enacted*, That the county levy for the county of Fayette, heretofore collected from the inhabitants within the boundaries of said City, shall be discontinued; and the amount thereof, collected by the authority of the mayor and councilmen, as is in this act provided for.

SEC. 18. *Be it further enacted*, That the mayor and councilmen, shall appoint all necessary subordinate officers, to carry the foregoing provisions of this act into full effect; such as a city treasurer, police officers, overseers of the poor and work-house, and any other that may be required; and to qualify them for the faithful discharge of their several duties, and require bond and securities of them, for the same.

SEC. 19. *Be it further enacted*, That the mayor and councilmen, shall have the power and authority to pass all needful by-laws, with adequate penalties for the infraction of the same, not exceeding fifty dollars; which penalties may be sued for, in the name of the City, and recovered before the mayor.

SEC. 20. *Be it further enacted,* That all the rights, privileges, and property, real and personal, and choses in action, which are now vested in, and belonging to the trustees of the town of Lexington, shall, so soon as said board of mayor and councilmen may be organized, be vested in, and belong to, said City of Lexington, subject to the payment of all just demands which may exist against said trustees, and for which they are responsible.

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All the rights, privileges, and property, of the present trustees transferred to the mayor and council.

SEC. 21. *Be it further enacted,* That there shall be, in said City, an officer, to be styled the City marshal, who shall be chosen by the said board of mayor and councilmen, and be sworn to the faithful discharge of the duties of his office; which he shall hold for one year, and until another shall succeed him, removable, however, at the pleasure of the board. He shall, if required by the mayor and councilmen, have a resident deputy in each ward of said City. His deputies shall be appointed, with the advice and consent of the mayor and councilmen. He shall, by himself or deputy, attend all the sessions of the mayor and councilmen, and of the mayor, and preserve order, under their or his directions. He shall, by himself or deputy, execute all process emanating from the mayor. He may be appointed City collector; shall, also, collect the fees of the mayor and clerk, if required. He shall execute bond with sufficient security, in an adequate penalty, before the mayor and councilmen, to the Commonwealth of Kentucky, conditioned faithfully to discharge the duties of his office, and to pay over all sums of money that may come to his hands, to the persons entitled; and a lien shall exist on the land and slaves of said marshal and sureties, from the time of executing bond, for all sums of money that shall come to his hands. He shall be entitled to receive the same fees, for the like services, which sheriffs are entitled to receive; and shall have the same power and duty within the City. He, and his sureties, shall be liable to judgment, by motion, in the Fayette circuit court, in favor of any person entitled to money collected by said marshal, in like manner as sheriffs are liable.

A city marshal, and deputies, to be appointed.

His duty and power.

To give bond.

Lien to exist on his estate.

His fees.

SEC. 22. *Be it further enacted,* That all recognizances taken by the mayor of Lexington, when day is given for the appearance of the party, except in cases in which he has jurisdiction to try the matter, shall be for appearance in the Fayette circuit court; and all

The mayor may take recognizances, returnable to the Fayette circuit court.

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recognizances, except those above excepted, shall be returned to the clerk of the said court, under the hand of the mayor, and shall be docketed as recognizances taken and returned by magistrates. The mayor, on the examination of criminal offenders, shall make out a statement of the evidence, and shall recognize the witnesses; and shall return the statement of the evidence, and the recognizance, to the clerk of the Fayette circuit court.

Duty of the
city clerk.

His fees.

SEC. 23. *Be it further enacted*, That the clerk of the City council shall be clerk for the mayor, and keep a record of his proceedings; and shall issue original process, for bringing parties before him, and executions and precepts on his judgments. He shall be entitled to charge and receive the like fees, that clerks of the several county and circuit courts of this Commonwealth are entitled to receive, for the like services; and have the right to issue fee bills, and to collect them in like manner.

The mayor to
be commission-
ed by the Gov-
ernor, and ap-
proved by the
Senate.

SEC. 24. *Be it further enacted*, That in all elections for mayor, not less than two persons shall be voted for, as such; and the two persons having the highest number of votes, shall, at the first election, be certified by the sheriff, to the Governor of this Commonwealth; and at the subsequent elections, by the clerk of the City council, under the direction of the mayor and councilmen, stating in the certificate, the number of votes given to each, one of whom shall be commissioned by the Governor, as a mayor of the City of Lexington, and submitted for the advice and consent of the Senate, as in other cases: and if, for any sufficient cause, the Governor shall refuse to commission a mayor, or the Senate shall refuse to advise and consent to the person nominated as mayor, the same shall be certified by the secretary of state, to the City council of Lexington, who shall, in not less than ten days, nor more than thirty days, cause another election to be held for mayor, to be conducted as other elections are directed to be by this act; and the two persons having the highest number of votes, shall again be certified to the Governor, who shall commission one of them as aforesaid.

Powers reserv-
ed to the Gen-
eral Assembly.

SEC. 25. *Be it further enacted*, That nothing contained herein, shall be so construed as to prevent the legislature of this Commonwealth from changing, altering, amending, or repealing, the whole, or any part of this act.

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AN ACT to authorize an election of trustees in the town of Maxville, Washington county.

Approved, December 7, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the free white male inhabitants, over twenty-one years of age, of the town of Maxville, in Washington county, to meet at the house of William M'Ketericks, in said town, on the first day of March next, for the purpose of electing five trustees for said town; who, when elected, shall have the same power as the trustees appointed by an act, entitled, "an act to establish the town of Maxville, in Washington county," approved, December 28, 1818; and that, hereafter, the annual elections for trustees to said town, shall take place on the first Monday in March in each year, instead of the first Monday in May. The elections to be held at such house, in said town, as the trustees may, from time to time, direct.

Elections for trustees to be held annually.

SEC. 2. *Be it further enacted*, That the tenth section of an act, entitled, "an act for the better regulation of the towns of Carlisle and Springfield," approved, December 19, 1821, be, and the same is hereby repealed.

Part of certain act of 1821 repealed.

CHAP. DCXXXV.

AN ACT for the benefit of the sheriff of Garrard county.

Approved, December 7, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Garrard county, have until the next court of assessment, for the 26th regiment of Kentucky militia, to return his delinquent list of militia fines, for the year 1830.

CHAP. DCXXXVI.

AN ACT for the benefit of the collector of militia fines for the 49th regiment.

Approved, December 7, 1831.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that

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1831. James Johnson, who acted as collector of the militia fines assessed by the 49th regiment, in the year 1829, failed to make due return of his delinquent list; Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Johnson, on making oath to said delinquent list, before any justice of the peace for Ohio county, and on producing the same, with the said justice's certificate of said oath thereon, to the pay-master of said regiment, shall receive a credit for the amount thereof, on settlement of said delinquent list; and the pay-master shall have the same credit allowed to him, on settlement of his accounts with the officers of said regiment.

CHAP. DCXXXVII.

AN ACT for the benefit of Temple S. Perrin.

Approved, December 7, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of Temple S. Perrin's farm as now lies in Campbell county, adjoining the Grant line, be, and the same is hereby added to the county of Grant; and shall, hereafter, be considered as a part of said county, in every respect as if it originally composed a part of the same.

This act shall be in force from its passage.

CHAP. DCXXXVIII.

AN ACT authorizing the county court of Harrison county, to permit Edward Coleman to erect two gates across a public road in said county.

Approved, December 7, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall, and may be lawful for the county court of Harrison county, (a majority of all the justices thereof, being present, and concurring therein,) to permit, by order, Edward Coleman to erect two gates on his own land, on the road leading from his mill, on Mill creek, to Keith's mill, on the south fork of Licking, in said county.

SEC. 2. *Be it further enacted,* That said gates shall

be made of good, substantial, and lasting materials, and easy to pass through, and shall be at least nine feet wide; *Provided however*, that it shall be competent for said court, (a majority presiding and concurring as aforesaid,) upon satisfactory evidence, and upon one month's notice being given, to cause either, or both of said gates to be removed, at the cost and expense of said Coleman.

1831.

CHAP. DCXXXIX.

AN ACT authorizing Baxter Alexander, of Trigg county, to erect gates on the road leading from Cadiz to Mount-Pleasant meeting-house.

Approved, December 7, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Baxter Alexander, of Trigg county, be, and he is hereby authorized to erect gates, at the east and west end of his lane, on the road leading from Cadiz to Mount-Pleasant meeting-house; *Provided*, that the same shall be made of substantial materials, and not less than nine feet wide: *And provided also*, that the county court of Trigg county, (a majority of all the justices of said county being present,) shall have the power to cause said gates to be removed, at any time the public good may require it.

CHAP. DCXL.

AN ACT appointing trustees to the town of Fredericksburg, in Gallatin county, and to Clinton, in Hickman county.

Approved, December 7, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*. That James F. Blanton, William Whitesides, Jefferson Peak, Willis Peak, and William Chamberlin, are hereby appointed trustees of the town of Fredericksburg, in the county of Gallatin, and shall continue in office until the first Saturday in July, 1832; and at the expiration of their term, it shall be lawful for the citizens of said town, to elect five trustees for said town; the above named trustees, giving ten days notice of the time and place of such

Trustees appointed for Fredericksburg.

Trustees for said town to be elected annually in July.

1831.

election of their successors; who shall remain in office for one year after their election.

Who entitled
to vote for trust-
tees.

SEC. 2. *Be it further enacted*, That each free male person, of the age of twenty-one years, being an actual settler of said town, and holding title to real estate therein, shall be entitled to vote for trustees.

Trustees may
enact by-laws
for the govern-
ment of said
town.

SEC. 3. *Be it further enacted*, That the trustees of said town, shall have power to make rules, and enact such by-laws, for the regulation and good of the place, as they shall deem necessary: *Provided*, such rules and by-laws are not contrary to the constitution and laws of this Commonwealth.

Trustees of
Clinton to be
elected annual-
ly in January.

SEC. 4. *Be it further enacted*, That it shall, and may be lawful for the free male inhabitants of the town of Clinton, in the county of Hickman, to meet at the court-house in said town, on the first Monday in January next, and on the first Monday in January in each succeeding year, and choose, by vote, *viva voce*, five fit persons for trustees, to serve for one year, and until their successors are elected.

To appoint a
clerk.

Duty of the
clerk.

SEC. 5. *Be it further enacted*, That the said trustees shall appoint a town clerk, who shall continue in office until the election succeeding his appointment; and in like manner, each new board of trustees, shall appoint a clerk, to serve for the same term; whose duty it shall be, to keep a fair record of the proceedings of the trustees, and to give public notice, by advertisement in said town, at least ten days previous to any election for trustees; and he shall, together with any two of the trustees, conduct all elections, and declare the persons elected, and make record of the same: and should the citizens of said town fail to have an election, at any time hereafter, on the day appointed in this act, that then, and in that case, the clerk or any trustee may, by giving ten days previous notice, have an election held for trustees, which shall be as legal as though the election had taken place on the day herein appointed.

Provisions for
the election of
trustees when
the time, fixed
by law, has ex-
pired.

Trustees may
enact by-laws,
&c.

Proviso.

SEC. 6. *Be it further enacted*, That the trustees appointed under the provisions of this act, a majority of them concurring therein, shall have full power to pass all laws which they may, from time to time, think advisable, for the government of said town, and the inhabitants thereof: *Provided* they be not contrary to the laws and constitution of this state.

SEC. 7. *Be it further enacted*, That the said trustees, (a majority of them concurring therein,) shall have

power to levy, and have collected, annually, a tax on the real and personal property, and tithes, in said town: *Provided*, it shall not exceed fifty cents on each tithe, and twenty-five cents on each hundred dollars worth of property; to be appropriated and laid out by them, for the improvement of said town: they shall, also, have power to appoint an assessor, annually, who shall be sworn to the faithful and impartial discharge of his duty; whose duty it shall be, to make out and furnish to the trustees, at such time as they may appoint, lists of the property, real and personal, of each individual in said town, with the value attached thereto; and also, lists, and the value of all lots belonging to individuals, who do not reside in town; and the trustees shall allow to him such compensation as they shall think adequate to his services: they shall, also, have power to appoint a collector, annually, to collect the taxes assessed, who shall give bond and approved security, for the faithful performance of his duty, and receive such compensation for his services, as said trustees may think right; and the said collector shall have power to make distress and sale, if necessary, in the same manner as is now authorized by law, in regard to sheriffs collecting the revenue of this Commonwealth.

1831..

May levy and collect taxes.

Proviso.

To appoint an assessor.

His duty.

May appoint a collector of taxes.

His power, and duty.

SEC. 8. *Be it further enacted*, That the proceedings of the McCracken county court, at their last March term, in laying their levy, and allowing the claims due by said court, shall be, and the same are hereby legalized and declared valid in law.

Proceedings of McCracken county court legalized.

CHAP. DCXLI.

AN ACT to appropriate some of the vacant lands in this Commonwealth, to improve certain roads in certain counties.

Approved, December 7, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land-office be, and he is hereby authorized and required, to issue a land-warrant, in the name of the county court of Casey, without fee therefor, for two thousand acres of land, to be located within said county.

2000 acres of land appropriated to Casey county.

SEC. 2. *Be it further enacted*, That the county court of Casey, is hereby authorized to locate, survey, pa-

To be located in said county.

1831.

and applied to
the improve-
ment of the
state road.

tent, and sell, two thousand acres of the vacant lands within the bounds aforesaid, and apply the proceeds, or the money arising from the sales thereof, to improving the state road between Liberty and the Adair county line; and the register of the land-office is required to issue patents therefor, without fee.

Land warrants,
made assigna-
ble, &c.

SEC. 3. *Be it further enacted*, That it shall be lawful for the county court aforesaid, to appoint the clerk of said court, to make sale of said land-warrant, and make any transfer or assignment, appertaining thereto; and the register of the land-office is hereby authorized and required to receive the plats and certificates so assigned, and issue patents therefor, without fee.

An appropri-
ation of land
warrants to
Pike county.

SEC. 4. *Be it further enacted*, That the register of the land-office issue to the county court of Pike, two hundred dollars worth of land-warrants, in warrants of one hundred acres each, to be appropriated in Pike county, and applied to the improvement of the public roads in said county; the said roads or parts of roads to be designated by said court, a majority of the court being present: and said court shall appoint some person, who may assign said warrants, and the plats and certificates shall be received free of charge, and patents issue accordingly.

Warrants made
assignable.

A commission-
er to be appoin-
ted to superin-
tend the im-
provement of
the road.

Proviso.

SEC. 5. *Be it further enacted*, That it shall be the duty of the court, to appoint some fit person, or persons, to superintend the improving and repairing such roads, or parts of roads, and in such manner as the said court may, by their order, direct: *Provided however*, the person or persons so designated by said court, shall, and they are hereby authorized, to sell the aforesaid warrants, for money or labor, as the court may direct; and it shall be the duty of said court, to make such allowance, to such persons so designated, as the said court may think just; to be paid out of the proceeds of the sale of the warrants aforesaid.

A donation of
land made to
Clay and Perry
counties, to im-
prove a road.

SEC. 6. *Be it further enacted*, That the register of the land-office be instructed to issue to Elijah Combs, William Begley, and Col. Felix Gilbert, of Perry and Clay counties, two hundred dollars' worth of land-warrants, free of charge, for the improvement of the road leading from the salt-furnace of James White, in Clay county, to Hazzard, in Perry county: the warrants to be appropriated upon any vacant lands in Perry and Clay counties. The said commissioners shall divide the said road into three precincts; and by themselves,

or any person in their employ, proceed to improve said road, in the best practicable manner, at least ten feet wide, so that wagons and carts can pass with convenience. Before the commissioners shall enter upon the duties required by this act, they shall give bond, with security, payable to the county court of Perry county, for a faithful performance of the duties enjoined by this act; and they shall, when required by said court, report as to the manner in which they may have appropriated the warrants on said road.

1831.

Commissioners
to give bond
and security.

SEC. 7. *Be it further enacted*, That the register of the land office, issue to Robert S. Brashears, seventy-five dollars in land warrants, free of charge, to be appropriated in Perry and Harlan counties, to improve the road from Samuel Cornett's, in Perry county, to Andrew Smith's, in Harlan county, passing over the Pine mountain, at the Hurricane gap. The said Brashears is hereby authorized to contract for the improvement of said road, as he may direct, and take bond and security for a faithful performance of the same.

A donation
made to Perry
and Harlan
counties.

SEC. 8. *Be it further enacted*, That the commissioners in the counties of Clay and Perry, shall receive, payable out of the warrants, seventy-five cents per day, when they are actually engaged.

Pay allowed
commissioners.

SEC. 9. *Be it further enacted*, That the register of the land-office be, and he is hereby required to issue to the county court of Union county, two hundred and fifty dollars' worth of land-warrants, of one hundred acres each, to be laid upon any vacant and unappropriated land in said county; which said warrants, or the proceeds thereof, the said county court of Union are authorized to apply in aiding the said county to build a bridge across Highland creek, on the road from the town of Henderson to Morganfield; and the register is hereby required to issue patents thereon, without fee: and the said county court may appoint its clerk to assign the said warrants, or any of them, to such person as it may direct; or may, in their discretion, survey and patent the same, and dispose of the land, and apply the proceeds to building said bridge: *Provided however*, that such warrants shall not be located on any lands which have heretofore been forfeited to this Commonwealth, or which may hereafter be forfeited.

An appropriation
of land-
warrants made
to Union county,
to be located
in said county:

To aid in building a bridge across Highland creek.

Warrants may
be assigned, &c

Proviso.

1831.

CHAP. DCXLII.

AN ACT to amend an act, entitled, "an act for the improvement of the road from Mountsterling, by way of Irvine and Manchester, to intersect the wilderness state road," approved, January 29, 1830; and an amendatory act thereto, approved, December 30, 1830.

Approved, December 7, 1831.

The commissioners for Clay and Pike counties to carry the recited acts into effect.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, so much of the above recited act, as requires the commissioners appointed, or to be appointed, by the Montgomery county court, to meet in the town of Irvine, be, and the same is hereby repealed; but the commissioners, appointed by the county courts of Clay and Estill, are hereby authorized and empowered to carry the provisions of the before recited acts into effect, as though the said commissioners from Montgomery had attended.

To use only a part of the former appropriation.

SEC. 2. *Be it further enacted,* That the commissioners appointed, or which may hereafter be appointed, by the county courts of Clay and Estill, are hereby authorized to use eight hundred dollars, only, of the appropriation authorized by the first section of the original act, to which this is an amendment; reserving two hundred dollars of said appropriation for the use of Montgomery county, to be applied according to the provisions of the before recited acts.

Reserving a portion for the county of Montgomery.

The reserved portion; how to be applied, &c.

SEC. 3. *Be it further enacted,* That the commissioner to be appointed by the county court of Montgomery, is hereby authorized to draw said two hundred dollars' worth of Kentucky land-office warrants, to be applied as required by the aforesaid recited acts, when he shall produce to the register, a certificate from the clerk of said court, certifying that he has entered into bond, according to the second section of the original act, as before recited.

The Register to issue the land-warrants.

SEC. 4. *Be it further enacted,* That the register of the land-office, is hereby required to issue the warrants for the amount of the said eight hundred dollars, upon the application of Alexander Patrick and Isaac Mize, provided they produce to the register, satisfactory proof that the county courts of Estill and Clay counties, have appointed commissioners, according to the provisions of the aforesaid recited acts; and the further time of twelve months is hereby given, from the passage of this act, to carry the same and the forego-

ing recited acts, into effect: *Provided, however,* that if the county court of Montgomery fail to appoint the commissioners, according to this act, the whole appropriation, authorized by the act to which this is an amendment, shall be appropriated for the use of the road in Estill and Clay counties.

1831.

Proviso.

CHAP. DCXLIII.

AN ACT to establish an inspection of Tobacco, Whiskey, Pork, Flour, &c. at Brandenburg, in Meade county; and at Elizabethtown, in Hardin county.

Approved, December 7, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, an inspection of tobacco, whiskey, pork, beef, flour, and other articles of commerce, is hereby established, in the town of Brandenburg, in the county of Meade; subject to the same laws, rules, and regulations, as other inspections, of a similar nature, in this Commonwealth, are.

An inspection established at Brandenburg.

SEC. 2. *Be it further enacted,* That the county court of Meade county, is hereby authorized and empowered, to appoint an inspector for the said town of Brandenburg; whose duty it shall be, to inspect all of the aforementioned articles; who shall, in the discharge of his duties, be governed by the same laws, rules, and regulations, now in force in this Commonwealth: and before entering upon the discharge of his duties, as inspector, shall take the usual oath, made and provided by the present existing laws.

An inspector to be appointed.

SEC. 3. *Be it further enacted,* That an inspection of tobacco, whiskey, pork, beef, and flour, and other articles of commerce, is hereby established in the town of Elizabethtown, in the county of Hardin; subject to the same laws, rules, and regulations, as other inspections, of a similar nature; in this Commonwealth, are.

An inspection established at Elizabethtown.

SEC. 4. *Be it further enacted,* That the county court of Hardin county, is hereby authorized, and empowered, to appoint an inspector, for the said town of Elizabethtown; whose duty it shall be, to inspect all of the aforementioned articles; who shall, in the discharge of his duties, be governed by the same laws, rules, and regulations, now in force in this Commonwealth: and before entering upon the discharge of his

An inspector to be appointed.

1831. duties, as inspector, shall take the oath, made and provided by the existing laws.

CHAP. DCXLIV.

AN ACT to amend the Whitley turnpike law, approved January 15, 1831.

Approved, December 9, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the act, to which this is an amendment, as requires all the hands, living within three miles of said road, to work on the same, be, and the same is hereby repealed; and in lieu thereof, all the hands, subject to work on public roads, living within one mile of said road, shall be compelled to work on the same, under the overseers appointed by the act, to which this is an amendment; and the hands hereby allotted, shall be exempt from working on any other road: *Provided, however,* that the county courts of Whitley and Laurel counties, shall have the power to extend the distance, at any time, if they think fit.

Part of the re-cited act repealed.

Who to work on said road.

Proviso.

The citizens of Whitley county exempted from paying tolls.

The tolls to be paid over to the overseers of the road.

Part of § 13 of recited act repealed.

The proviso to § 9 of said act repealed.

The Whitley c. court to ap-

SEC. 2. *Be it further enacted,* That the citizens of Whitley county, with their property, shall be exempt from the payment of toll, in passing said turnpike gate when erected.

SEC. 3. *Be it further enacted,* That the money arising from the tolls of the gate, shall be paid over, by the gate-keeper, to the respective overseers appointed by the Whitley and Laurel county courts; who shall take their receipts for the amount so paid over; and shall, annually, in the month of December, report the same to the Whitley and Laurel county courts.

SEC. 4. *Be it further enacted,* That so much of the thirteenth section of the act, to which this is an amendment, as authorizes the appropriation of land, in Whitley county, north of Laurel river, be, and the same is hereby repealed.

SEC. 5. *Be it further enacted,* That the proviso in the ninth section of an act, entitled, "an act to amend an act, to establish a turnpike, by the way of Williamsburg, Whitley county," approved, January 22, 1827, be, and the same is hereby repealed.

SEC. 6. *Be it further enacted,* That it shall be the duty of the Whitley county court, to appoint some fit

person to collect and receive, from all persons, all sums of money which are now due from them to the Commonwealth, for land appropriated in the Tellico purchase, or by county court certificates, which may be included within the county of Whitley; and pay the same over to the overseers appointed by the Whitley and Laurel county courts, agreeably to distance of road, and take their receipts for the same, and report the amount so paid over, annually, in the month of December or January, to the Whitley and Laurel county courts: who shall, before he enters upon the duties of his office, enter into bond and security, to be approved of by the county court, in the penal sum of two thousand dollars, conditioned agreeably to the act to which this is an amendment.

1831.

point a collector of the debt due the com'th for the sale of land in said county.

Money to be paid to the overseers of the road.

Collector to give bond, &c.

SEC. 7. *Be it further enacted,* That it shall be the duty of the Whitley county court, to certify to the treasurer, that the collector appointed by them, has entered into bond, conditioned as the law directs; and upon the certificate being received by the treasurer, he shall receive the receipt of the collector, in the manner and form prescribed by the act to which this is an amendment: and the auditor shall give a quietus upon the receipt of the treasurer's receipt; and the register of the land-office, upon the production of the quietus, shall issue patents as is now provided by law.

Duty of the court, and Auditor, Treasurer, and Register, in relation thereto.

CHAP. DCXLV.

AN ACT to change the time of the sitting of the August term of the Madison county court.

Approved, December 9, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the term of the county court of Madison, now directed to be held by law, on the first Monday in August, shall hereafter be annually held on the second Monday in said month.

CHAP. DCXLVI.

AN ACT for the benefit of William Henson.

Approved, December 9, 1831.

WHEREAS, it has been represented to this General Assembly, that William Henson did, through mit-

1831. take, enter the south west quarter of section seven, township four, range five east, lying west of the Tennessee river, and containing one hundred and sixty acres; said Henson intending to enter the south west fractional quarter of section seven, township four north, range six east, containing only thirty-five and a half acres: for remedy whereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Henson, when he relinquishes his title to the south west quarter of section seven, township four, range five east, by depositing the patent therefor, with the receiver of public monies west of Tennessee river, be permitted to enter any vacant quarter-section in said district, free of costs or charge: *Provided,* nothing herein contained, shall authorize the said Henson to locate any land, the pre-emption right to which is reserved to the actual settler.

SEC. 2. *Be it further enacted,* That when the said Henson shall surrender his patent, as provided for in the first section of this act, the right and title to the same shall vest in this Commonwealth, and be subject to entry, as other vacant lands west of the Tennessee river.

CHAP. DCXLVII.

AN ACT authorizing the county courts of Bath and Nicholas, to open a road to Andrews' ferry, on Licking, under certain restrictions.

Approved, December 9, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of Bath and Nicholas counties, be, and they are hereby authorized, to open a road through the lands of Elizabeth Clavell, and others, to Andrews' ferry on Licking river, subject to the like rules and regulations as now prescribed by law; and to permit the proprietors of the land, through which said road passes, to erect convenient gates thereon, not less than nine feet wide; which said gates and road, shall ever thereafter, be under the control of said county courts, as other roads of said counties: and the said courts shall have full power (a majority of all the justices being present,) to remove said gates, if, in their opinion, the public good requires it.

CHAP. DCXLVIII.

1831.

AN ACT to remove the seat of justice of M'Cracken county, from Wilmington, to the town of Paduca.

Approved, December 10, 1831.

WHEREAS, it is represented to this General Assembly, that it would be greatly to the interest of the people of the county of M'Cracken, to remove their seat of justice from Wilmington to the town of Paduca: Therefore,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so soon as the people of Paduca shall, by subscription or otherwise, raise and secure to the county court of said county, the sum of six hundred dollars; which shall be appropriated in aid of building the necessary public buildings in said town of Paduca; and provide a house to hold court in; it shall then be the duty of the county and circuit court clerks, to cause all the public papers, and records, belonging to said courts, to be removed to the said town of Paduca, within twenty days thereafter: which shall be, and remain, the permanent seat of justice for said county; and the county and circuit courts shall be held in said town.

The seat of justice to be removed to Paducah on certain conditions.

CHAP. DCXLIX.

AN ACT for the benefit of John H. Slaughter, of Rockcastle county.

Approved, December 10, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John H. Slaughter, of Rockcastle county, be allowed two years, from the passage of this act, to survey and carry into grant, one thousand acres of land, in Rockcastle county, at the price of five dollars per hundred acres, by virtue of an entry made by said Slaughter, in the office of the surveyor of Rockcastle county, under an act called "the Salt-water law."

1831.

CHAP. DCL.

AN ACT for the benefit of the heirs of Catlett Conway deceased, late of Orange county, Virginia.

Approved, December 10, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the heirs of Catlett Conway dec'd. late of Orange county, Virginia, have until the first day of August next, to pay into the public treasury, thirty one dollars and fifty cents, in full discharge of eight thousand two hundred acres of land, forfeited to the Commonwealth, in Rockcastle county.

CHAP. DCLI.

AN ACT to reduce into one, the several acts concerning the town of Augusta, in Bracken county.

Approved, December 12, 1831.

The streets, alleys, and harbour, of said town to be kept in repair by the citizens.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the inhabitants of the said town of Augusta, shall be bound to open and keep in repair, the streets and alleys thereof, and the harbor of the said town, to such extent, and in such manner, as the trustees thereof shall prescribe; and that the work and labor necessary to effect the objects aforesaid, shall be performed by such of the said inhabitants, as are qualified electors of trustees of the said town, and such others of them, as are now required, by law, to work on the public highways.

Trustees for said town to be elected annually by the lot holders.

SEC. 2. Be it further enacted, That the white male inhabitants of the said town, of the age of twenty-one years and upwards, being the owners of any lot or fraction of lot therein, in fee simple, for life, or for a term of not less than five years, shall, on the first Wednesday in December in each year, elect seven trustees for the said town, to continue in office for one year, and until their successors shall be duly elected; and in case of the death, resignation, removal from the town, or refusal to act, of any trustee so as aforesaid elected, it shall and may be lawful, for the said board of trustees, to appoint others to fill their places.

Vacancies—how filled.

To appoint a clerk, and prescribe his duties.

SEC. 3. Be it further enacted, That the said board of trustees shall have power, to appoint a clerk, to require him to take an oath well and faithfully to perform the duties of his office, and to prescribe what these

duties shall be; and it shall be the duty of the said clerk, in addition to such duties as may be prescribed by the board of trustees, to advertise, publicly, the time and place of holding the annual elections of trustees of said town, at least ten days before the time fixed by this act for such elections; and to publish the by-laws and ordinances of the said trustees, by affixing copies thereof, attested by himself, to the door of the court-house, in said town.

1831.

SEC. 4. *Be it further enacted*, That the said board of trustees, shall have power, to appoint a superintendent of the streets, alleys, and harbor, of the said town, who shall serve for one year, subject to be removed from office at the pleasure of the said board; whose duty it shall be, to keep the said streets, alleys, and harbor, in good repair and order, under such penalty as the said board shall prescribe: and the said superintendent shall have power to call upon all persons, bound by law to do so, to work, or furnish laborers, to work on the said streets, alleys, and harbors, whenever it shall be necessary; and for a failure or refusal to work, and furnish such laborers, the person so called, shall forfeit, and pay, the sum of one dollar and twenty-five cents per day, for each laboring hand he, she, or they, may be bound to furnish: *Provided*, that the said superintendent shall have given two day's notice, to such delinquent, of the time and place, at which such labor would be required; and the said superintendent, shall be a competent witness, to prove such notice and delinquency: and it shall be his duty, to sue, in the manner hereinafter prescribed, for all fines and forfeitures which may accrue under the provisions of this act, or under the laws and ordinances of the said board of trustees, with relation to the streets, alleys, and harbors, of the said town; and the said superintendent shall receive, for his services, such sum as the said board of trustees may deem reasonable.

To appoint a superintendent of the streets and harbour.

His duty.

To cause the citizens to work on the streets, alleys, and harbour, &c.

SEC. 5. *Be it further enacted*, That the said board of trustees, shall have power and authority, to make and enforce all such by-laws and ordinances, for the better regulating the good order and police of the said town, as they may deem expedient, and which shall not be inconsistent with the constitution of the United States, or of this state, or the laws of either. They shall have power; to levy and collect an annual tax upon the real estate of the said town, not exceeding the sum of three hundred dollars; and to make laws to

Trustees of the town may enact by-laws; levy and collect taxes.

1831.

Proviso.

enforce the collection thereof: *Provided*, that no by-laws or ordinances of the said board of trustees, shall have effect, until ten days after copies of them shall have been put up at the court-house door in said town.

Mode of collecting taxes.

SEC. 6. *Be it further enacted*, That the tax to be levied upon the real estate of the said town, shall be equitably apportioned, agreeably to the value thereof, to be ascertained in the manner the said board of trustees may direct: and they shall have power to direct the time and manner of collecting the same; and shall have and retain a lien upon the estate, upon which such tax shall be imposed, for the payment thereof: and if personal estate of the owner or occupant of such real estate cannot be found in the county of Bracken, out of which the said tax can be levied, the said board of trustees shall have power and authority to direct the sale of so much of the said real estate, as will pay the said tax; causing the said sale to be publicly advertised in said town, at least ten days before the same shall be sold. But in case of any such sale, the owner or owners of the estate so sold, or any person for them, shall have the right to redeem the same, at any time within two years thereafter, paying to the purchaser or purchasers, the amount of purchase-money, with fifty per cent. per annum thereon; and if the owner or owners, or any of them, of any lot or part of lot so sold, shall, at the time of such sale, be an infant, married woman, or person of unsound mind, he, she, or they, shall have the power to redeem the same, at any time within one year after the removal of their said disability, paying to the purchaser his purchase money, with ten per centum per annum thereon, from the time of purchase.

Real estate may be sold for the taxes.

Subject to redemption.

Provision in favor of infants, femes covert, &c.

To appoint a collector of taxes, and take a bond from him.

SEC. 7. *Be it further enacted*, That the said board of trustees may, annually, appoint a collector of the town tax, and take from him, bond with security, for the collection and payment of all sums he may be required to collect, to their treasurer, or to their order, and for the performance of such other duties as they may prescribe to him; which bond may be in such penalty as the said board may require, payable to them and their successors in office, and may be put in suit for any breach thereof, and judgment obtained thereon, as in other cases of a like nature. And said collector shall be allowed such sum, for his services, as the said board of trustees may think just and reasonable, and shall be entitled to a credit for all delinquent

cy which they may think proper; and the said collector shall have power and authority to distrain for, and collect the taxes aforesaid, in the same manner that sheriffs are required, by law, to distrain for taxes due to the Commonwealth, and shall collect and receive the same fees as are due to sheriffs, for like services.

SEC. 9. *Be it further enacted*, That if the said collector shall fail, or refuse, to collect and account for the taxes put into his hands for collection, judgment shall, and may, be rendered against him and his securities, on their bond, for the amount of his delinquency, and twenty per centum in addition thereto, and costs of suit; and it shall be the duty of the clerk of the board of trustees, to make out, annually, a list of the taxes assessed by the said board, containing the names of the person, or persons, from whom the same is payable, and the amount due from each; and certify and deliver the same to the collector, for his government in making such collections.

Collector liable to motion and judgment for failing to collect and account for taxes.

The clerk to furnish him with the tax list.

SEC. 10. *Be it further enacted*, That the said board of trustees shall have power, to prohibit persons from running horses, and playing at long bullets, in the streets of the said town, or shooting within the limits thereof, under such penalties as they may choose to impose; and it shall be the duty of all justices of the peace, to take jurisdiction of all offences against the provisions of this act, or against the laws and ordinances of the said board of trustees, made by authority thereof, and to render judgment, and award execution thereon: and all fines and penalties imposed by this act, or by the laws and ordinances of the said board of trustees, shall be recoverable in the name of the trustees of the town of Augusta, and be applied to the use of the said town.

Trustees may prohibit running horses, &c. in the streets, &c.

Penalties—how recoverable.

SEC. 11. *Be it further enacted*, That the said board of trustees shall have power, to appoint a treasurer, and to take from him bond, with sufficient security, for the performance of his duties.

A treasurer to be appointed.

SEC. 12. *Be it further enacted*, That the said trustees may, by the name of "the trustees of the town of Augusta," contract and be contracted with, sue and be sued, in any court in this Commonwealth; and all fines and penalties, together with the taxes levied, or to be levied, under the provisions of this act, or the by-laws and ordinances of the said board of trustees, shall be applied, by them, to the use and benefit of the said town, as they may deem proper.

The fines and penalties recovered, and taxes, to be applied to the use of the town.

1831.

A president of the board to be chosen—his duty, &c.

SEC. 13. *Be it further enacted,* That the said board of trustees shall, at their first meeting after their annual election, appoint some one of their own body, to act as president of the board; whose duty it shall be, to preside over their meetings, and keep order, and sign the record of their proceedings, to be kept by their clerk: and in case of the death, absence, or resignation, of the said presiding trustee, his place may be supplied by the appointment of another.

CHAP. DCLII.

AN ACT for the benefit of Jael Holder, and the heirs of Fielding Holder.

Approved, December 12, 1831.

The Barren circuit court authorized to decree a sale of certain slaves.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the heirs of Fielding Holder, the infant heirs by their mother Jael Holder, to petition the Barren circuit court, setting forth the facts which make it necessary and proper, that certain slaves, to-wit, Visa a negro woman, and Porter a child, about one year old, owned by said heirs, and in which Jael Holder is entitled to dower, should be sold; and the court shall, thereupon, investigate the matter, and if it shall appear to the satisfaction of the court, that it would be to the interest of the said heirs, owing to the character of said slaves, to have them sold, the court may direct a sale thereof, and appoint a commissioner to carry the decree rendered, into effect: *Provided, however,* that the mother of said heirs, shall unite in the petition to the court, giving her assent to the sale of the dower in said slaves.

The commissioners to give bond, &c.

Be it further enacted, That the Barren circuit court, in case it decrees a sale of said slaves, shall take bond, with approved security, from the commissioner appointed to make the sale, conditioned for the faithful performance of all such duties as the court may assign him; the bond shall be made payable to those interested in the slaves to be sold: and it shall be the duty of the court, to cause the money arising from the sale of the slaves, to be laid out in the purchase of other slaves, for the heirs of said Holder; giving, however, in the property so purchased, the same estate to the wife of said Holder, as she possessed in the slaves sold.

Proceeds of the sale to be applied to the purchase of other slaves.

CHAP. DCLIII.

1831.

AN ACT to change the name of the town of Fredericksburg in Gallatin county; to that of Warsaw.

Approved, December 12, 1831.

WHEREAS, it is represented to the present General Assembly, that great inconvenience frequently occurs to the citizens of the town of Fredericksburg, in the county of Gallatin, by the frequent miscarriage of letters, boxes, goods, &c. in consequence of a town, in the county of Washington, bearing the same name: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the town now known by the name of Fredericksburg, (in the county of Gallatin,) shall, hereafter, be called and known by the name of Warsaw, and not that of Fredericksburg.*

SEC. 2. *Be it further enacted, That the trustees of said town, shall have the same power under the title of Warsaw, as they would have under the title of Fredericksburg.*

CHAP. DCLIV.

AN ACT to enable the circuit courts to make allowance to committees of idiots and lunatics, for keeping them, out of their own estates.

Approved, December 12, 1831.

WHEREAS, it is represented, that there are idiots and lunatics in this Commonwealth, who have estates amply sufficient for their decent maintenance and support, and it is doubted, whether under existing laws, circuit courts have the power, in settling with their committees, and making an allowance for their support, can allow more than fifty dollars: Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the circuit courts in this Commonwealth, shall hereafter have full power and authority, at any term of their courts, to hear proof, and make a settlement with said committee, for having kept and maintained any idiot or lunatic, in this Commonwealth; and make any allowance to him or her, which may be regarded as reasonable and just, for the decent support of said idiot or lunatic, according to his state and condition, when the same is to be paid

Preamble.

Allowances to idiots and lunatics, when made out of their own estates, may be to such an amount as the courts may think right.

1831. out of the estate of said idiot or lunatic; and when a sufficient allowance has not, heretofore, been made, said courts shall have power to make such additional allowance as they may judge reasonable, for the time past.

CHAP. DCLV.

AN ACT to add an additional justice of the peace to the counties of Wayne and Russell.

Approved, December 12, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be allowed one additional justice of the peace to the county of Wayne, and one to the county of Russell.

CHAP. DCLVI.

AN ACT to incorporate an insurance company, under the style of "the Louisville Merchants' Insurance Company."

Approved, December 12, 1831.

The company
incorporated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Samuel Gwathmey, Horace B. Hill, George W. Meriwether, Chapman Coleman, and B. R. McIlvaine, together with their associates, successors, and assigns, be, and they are hereby created and made a corporation and body politic, under the name and style of the "Merchants' Louisville Insurance Company," and shall continue until the first day of January, one thousand eight hundred and fifty-two; and by that name, are made capable in law, to have, purchase, or receive, possess, enjoy, and retain, to them and their successors, lands, rents, tenements, goods, chattels, public or private securities of any kind, quality, or nature, whatsoever, not exceeding, at any one time, the sum of two hundred thousand dollars, and to sell and dispose of the same, at any time, or in any name; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of record, or in any other place whatsoever: also, to make and use a common seal, and the same to break, alter, or renew.*

at pleasure: also, to ordain, establish, and put in execution, such by-laws as may be necessary and convenient, for the government of said corporation, not contrary to law.

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SEC. 2. The capital stock of this company shall be one hundred thousand dollars, in two thousand shares of fifty dollars each. And if, at any time, after the organization of the company, the president and directors shall think it advisable to enlarge the capital stock to two hundred thousand dollars, and the owners of a majority of the stock, concurring therein, they shall give notice of the time and place of opening books for the subscription of one hundred thousand dollars additional stock, on the same terms as the original stock shall have been taken.

The capital stock.

SEC. 3. The corporators named in this act, or any one or more of them, shall, within twelve months from the passage of the same, give seven days notice, in one or more of the newspapers printed in the City of Louisville, of the time and place of opening books for the subscription of stock. No individual, or co-partnership, firm, or company, shall subscribe for, or at any time own more than one hundred shares of the stock; and when two thousand shares shall have been subscribed; the person who gave the first notice, shall give a like notice of a meeting of the subscribers, when ten dollars shall be paid in hand, on each share subscribed for, and the company shall be organized, when the remaining forty dollars, in each share, shall be secured to be paid, at the time, and in the manner that shall be designated by the shareholders, who have paid in ten dollars on each share subscribed for. The corporators named, or any of them, who shall fail to subscribe for stock, shall cease to be members of the company. And all such subscribers as shall fail to pay ten dollars on each share subscribed for, on the day designated in the second notice, shall cease to be stockholders, and the stock subscribed for by them, may be subscribed for by others, under the direction of the person or persons who received the original subscription.

How the stock is to be subscribed and paid.

SEC. 4. The shareholders in this company, who shall own one hundred shares of stock each, shall, by virtue thereof, be directors of the company; and any co-partnership, firm, or other company, who shall own one hundred shares of stock, shall have the right, under their hands, from time to time, to designate one member of the firm or company, to act as a director

Directors to be appointed.

1831.

of this corporation; which designation shall be entered on their records: and the shareholders owning less than one hundred shares each, shall have the right to designate, in writing, under their hands, from time to time, one person, for every one hundred shares of stock owned by them, to be a director of the company, the said person being, likewise, a stockholder; and this designation shall, also, be entered on the records of the corporation. When a shareholder, co-partnership, firm, or company, shall cease to own, *bona fide*, one hundred shares of stock, he or they shall cease to be directors of the corporation, unless designated as such by the shareholders owning less than one hundred shares each.

A president and other officers to be appointed.

SEC. 5. The board of directors may choose one of their number as president, in such manner, and for such a period as they may ordain by their by-laws, and employ such clerk, secretary, or agents and servants, as they may deem necessary, for conducting the affairs of the company, and make such compensation as may be agreed on. At all meetings of the board of directors, a majority of the whole number entitled to be directors, shall form a quorum, for the transaction of business; who may appoint a committee to do all the business of the company, for such period as they shall, from time to time, direct.

When the stock is paid and secured to be paid, the company may make insurance.

SEC. 6. Whenever the sum of twenty thousand dollars shall be paid in as aforesaid, and the further sum of eighty thousand dollars shall be secured to be paid, to the satisfaction of the president and directors, they shall have full power and authority, in the name, and in behalf of said company, to make all kinds of insurance, on vessels, boats, and crafts, of any description, on the interior rivers, lakes, bays, bayous, or canals, in the United States, or on the high seas, as well as in goods, wares, merchandize, produce, specie, freights, and every description of property transported by land or by water, within the United States, or to, or from, any foreign port or country, or on the high seas, on the general condition and principles of marine insurance, and to do and perform all things relating to said objects, conformably to the provisions of this act, and to the laws of this Commonwealth.

Certificates of shares and the manner of

SEC. 7. The form of certificates of shares, and manner of transfer, shall be regulated by the by-laws of the corporation, and a lien is hereby created, in favor of the corporation, in the stock of each shareholder,

for any claim that the company may have, for the unpaid part of his share, in other debts due or owing to said company.

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transferring them.

SEC. 8. On the first Monday in December and June in each year, a fair and clear statement of the affairs of the company, shall be made out and exhibited to the stockholders, when such a dividend of the profits shall be made, as a majority of the president and directors shall decide; but in no case shall the capital stock paid in, be diminished.

A statement of the accounts, and dividend of profits, to be made semi-annually.

SEC. 9. In no case, shall this corporation exercise the business of banking, by issuing notes as an incorporated bank.

Not to exercise banking powers.

CHAP. DCLVII.

AN ACT authorizing the Louisville and Portland Canal Company to increase their capital stock.

Approved, December 12, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky; That the Louisville and Portland Canal Company shall have the right, and are hereby authorized, to extend their capital stock to such an amount, as will be sufficient to pay all the costs and expenses of constructing said canal, and the interest on the sums expended by them, in the construction thereof, up to the time said canal was open, and vessels passed through the same; and they may sell as many additional shares, at one hundred dollars each, as will pay said costs and interest: and they are required to report to the legislature of this state, the number of shares sold under this act, and the sum received for the same.

CHAP. DCLVIII.

AN ACT to extend the limits of the town of Winchester, in Clarke county.

Approved, December 12, 1831.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that the present limits of the town of Winchester, in the county of Clarke, does not include all the citizens who

Preamble.

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actually reside within said town, the growth thereof having, particularly in one direction, spread considerably beyond the legal boundary thereof; and that there is a considerable number of inhabitants adjacent thereto, in every direction, who derive all the advantages from said town, that are enjoyed by any of those who actually live within its prescribed limits, without contributing any thing towards repairing of its streets or alleys; nearly all of whom, are willing to have said town extended, so as to include them, under certain restrictions: Therefore,

The bounds of
the town as ex-
tended.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, the limits of said town shall be so extended as to include within its boundary, six hundred and forty acres, in a square, the present court-house being the centre thereof, two lines of said square, running parallel with the main street of said town, the others being at right angles thereto, agreeably to a survey thereof, made by Thomas Hart, esq. on the second day of November, eighteen hundred and thirty-one; which survey shall be recorded in the office of the county court of Clarke.

Powers of the
trustees.

Proviso.

SEC. 2. *Be it further enacted,* That the trustees of said town shall have power to make by-laws for the regulation of said town, as now extended, as they had by law, before the passage of this act; and all the laws in force, relative to said town of Winchester, shall continue in force hereafter: *Provided, however,* that said trustees, or their successors, shall have no power or authority, to open or lay off streets or alleys, in or through so much of said town, as is included by this act, and that did not heretofore belong to it; but the proprietors of the real property within said boundary, shall have a right to use and enjoy said property, in any manner they please; said trustees or their successors, not being empowered to make any by-law to restrain said proprietors in the enjoyment thereof, in any manner they think proper: *Provided, however,* that said trustees shall have the power to make by-laws for the regulation of the streets or alleys now opened in said boundary: *And provided, also,* that nothing herein contained, shall be construed to prevent the said trustees from levying a town tax within the said boundary.

The persons in-
cluded in the
bounds, as ex-
tended, to have
the same rights
as the other cit-
izens of the
town.

SEC. 3. *Be it further enacted,* That the persons living in that part of said town, included by this act, shall have the same right to act as trustees, and vote therefor, and shall be entitled to all the rights and pri-

vileges, that citizens in any part of said town are entitled to by law.

1831.

CHAP. DCLIX.

AN ACT to prevent the people of Harlan county from burning the woods.

Approved, December 12, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any free person shall, hereafter, set fire to the woods in Harlan county, the person so offending, shall forfeit and pay the sum of twenty dollars, recoverable by indictment or presentment, in the Harlan circuit court; and if any slave, shall, hereafter, set fire to the woods in said county, the person so offending, shall be punished, by whipping, not exceeding thirty-nine lashes, by the order of a justice of the peace for said county.

CHAP. DCLX.

AN ACT to change the place of holding elections in the Floydshurg precinct, in Oldham county.

Approved, December 12, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, the elections in the Floydshurg precinct, in Oldham county, shall be holden at the house of Elijah Yager, in the town of Floydshurg, at present occupied as a tavern by Henry O. Byass.

CHAP. DCLXI.

AN ACT establishing an Academy in the town of Brandenburg, in Meade county.

Approved, December 12, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Murray, Solomon Brandenburg, Gabriel Wathen, Richard T. Robertson, William Farleigh jr, Charles Stuart, and John S. Chapman, shall be, and are hereby constituted a body politic and corporate, to be known by the name of the

Trustees appointed.

1831. "trustees of the Brandenburg Academy," and by that name, shall have perpetual succession, and a common seal, with power to change the same at pleasure; and as such, shall be authorized to exercise all powers and privileges that are enjoyed by trustees, visitors, or governors, of any college or university within this state.

Their first meeting; and to fix on a place for the academy; erect buildings, &c.

SEC. 2. The said trustees, or a majority of them, shall hold their first stated session at the town of Brandenburg, in the county of Meade, on the first Monday in March, eighteen hundred and thirty-two; and they, or a majority of them, shall then, or as soon as they think proper, fix upon a place for a permanent seat for said academy, and proceed to erect buildings thereon; and until suitable buildings and regulations are made at such place, they may commence and proceed in the institution, at any other place they shall judge proper.

May hold property.

SEC. 3. The said trustees, or their successors, by the name aforesaid, shall be capable in law, to purchase, receive, and hold, to them and their successors, for the use and benefit of said seminary, any lands, tenements, rents, goods, and chattels, of what kind soever, which shall be given or devised to, or purchased by them, for the use of said seminary.

May sue and be sued.

SEC. 4. The said trustees, by the name aforesaid, may sue or be sued, plead or be impleaded, in any court of law in this state.

The trustees to hold two stated sessions in each year.

SEC. 5. The said trustees shall hold two stated sessions in each year, at such time and place as they shall judge proper; and in case a sufficient number of members do not attend to constitute a board, those who do attend may adjourn to any other day, previous to their next stated meeting; and shall give ten days' previous general notice thereof. But not any thing in this section, shall be so construed, as to prevent the said trustees from holding meetings, when a majority of them may deem it necessary.

May establish by-laws, &c.

SEC. 6. The trustees shall have power, from time to time, to establish such by-laws and ordinances, not contrary to the constitution or laws of this Commonwealth, as they shall deem necessary, for the government of the said academy.

CHAP. DCLXII.

1831.

AN ACT for the relief of Douglass Butler.

Approved, December 12, 1831.

WHEREAS, it is represented that Douglass Butler has failed to enter two small tracts of land, in the county of Logan, for taxation; and whereas, he has now entered the same, and is willing to pay the taxes thereon, and that there is no conflicting claim therefor: Wherefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all the right and title of the Commonwealth of Kentucky, in and to two small tracts of land, in the county aforesaid, one of one hundred and fifty-eight acres, the other of twenty acres, owned by said Butler, that she derived on account of the failure of said Butler to list said tracts for taxation, be, and the same is hereby released to him.

The right of the state relinquished to two tracts of land.

CHAP. DCLXIII.

AN ACT to appoint one additional justice of the peace, and constable, to Gallatin county.

Approved, December 12, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Gallatin be allowed one additional justice, of the peace, and constable; who shall reside, at the time of their appointment, between the Big and Little Kentucky rivers: and the county court of Gallatin shall proceed to the appointment of said constable, at the next March term of said court.

CHAP. DCLXIV.

AN ACT for the benefit of George W. Damron.

Approved, December 12, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon condition George W. Damron enter into bond, with approved security, before the county court of Adair county, in the penalty of five hundred dollars, for the faithful payment of two hundred and fifty dollars, with legal

The sale of two negroes, made by a guardian, ratified.

1831. interest thereon from the time of the sale, to Ann Elizabeth Squires, now an infant heir of Thomas Squires, deceased, or her representative or representatives, when legally demanded; then, and in that case, a certain sale, which has been made by said George W. Damron, guardian to said infant, of two old negro slaves, (a man and his wife,) to Otha Wheat, of Columbia, Adair county, is hereby ratified and confirmed, and not otherwise.

CHAP. DCLXV.

AN ACT to amend the act entitled, "an act for the benefit of the heirs of Elizabeth Jones," approved, January 15, 1831.

Approved, December 12, 1831.

Preamble.

WHEREAS, it is represented to the present General Assembly, that there exists a mistake in said act, by the tract of sixty-eight acres of land, named in said act, being represented to have descended to said Elizabeth Jones, from her sister when, in fact, it was held by her under a devise, in the will of her father Leven Dean: Wherefore,

The said act to apply to a tract of land held by devise.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all the provisions of the said recited act, shall be, and the same are hereby made applicable to the tract of sixty-eight acres of land, in Mercer county, held by said Elizabeth, by devise from her said father, and sold by Jesse Jones and said Elizabeth, to Joseph Lillard, as in said act is stated: and upon the parties proceeding according to said act, and complying with the provisions thereof, the court shall appoint a guardian *ad litem*, to answer for said infant heirs of said Elizabeth; and shall proceed, in all respects, as in said act is directed, except that actual service of process, upon said infants, shall not be deemed necessary.

CHAP. DCXLVI.

AN ACT to authorize the county courts of Breckenridge and Hopkins counties, to appoint one additional constable in said counties.

Approved, December 12, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of

Breckenridge county, is hereby authorized to appoint one additional constable, who shall reside in the neighborhood, or within three miles of James V. Moorman. 1831.

SEC. 2. *Be it further enacted*, That an additional constable be allowed to Hopkins county, to reside within the bounds of captain Dunville's militia company.

CHAP. DCLXVII.

AN ACT for the benefit of the heirs of Peter Abell.

Approved, December 13, 1831.

WHEREAS, Peter Abell had an entry for one thousand acres of land, lying in the now county of Breckenridge, and had the same surveyed the 15th January, 1797, and shortly thereafter, departed this life: owing to his death, and the want of the necessary information on the part of his children, the plat and certificate never was returned to the register's office, and no patent has, as yet, issued for the land, upon said survey: For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land-office shall receive the survey and plat into his office, and issue a patent for said land, to the heirs of Peter Abell, without any other or further designation than as heirs: *Provided*, the issuing of the patent herein directed, shall not prejudice the right, title, interest, and claim, which any person or persons may now have to said land.

CHAP. DCLXVIII.

AN ACT to amend the law relative to the Woodford Academy.

Approved, December 13, 1831.

WHEREAS, it is represented to the present General Assembly, that large subscriptions have been made by the citizens of Versailles, and its vicinity, for the purpose of erecting buildings, &c. for the Woodford academy, provided the same is placed under the superintendence of persons elected by them: and whereas, also, the former trustees of the said academy are desirous to further the wishes of the subscribers, have resigned their station as trustees, and David Thornton,

Recital.

1831.

John R. M'Farland, Bernard Giltner, John Mitchum, Herman Bowmar, and John W. Coleman, have been elected by the subscribers aforesaid, to supply the places of the trustees who have resigned: Wherefore,

Trustees appointed for said academy.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said David Thornton, John R. M'Farland, Bernard Giltner, John Mitchum, Herman Bowmar, and John W. Coleman, be, and they are hereby constituted a body corporate and politic, and shall be called and known by the name of "the trustees of the Woodford academy;" and that they shall be, and are hereby vested with all the rights, privileges, and authority, of the former trustees of the Woodford academy; subject, however, to the limitations and restrictions hereinafter mentioned.

Their powers.

Mode of filling vacancies in the board.

SEC. 2. *Be it further enacted,* That the said trustees, or a majority of them, shall have full power and authority, from time to time, when vacancies may have happened, by the death, resignation, or otherwise, of any of the trustees, to fill the vacancy by electing others: *Provided,* in so doing, the trustees so elected, be of the same denomination of christians, as was the person whose vacancy he is elected to fill, in case such person was a member of any sect of christians; but if he was no member of a christian sect, his vacancy may be filled by the election of any person belonging to no christian sect or denomination.

Authorized to sue for, and recover, all sums of money due, or to become due, to said institution.

SEC. 3. *Be it further enacted,* That the aforesaid trustees, or their successors, shall have full power and authority to demand, sue for, and receive, all sums which may have been, or which may hereafter be, subscribed for the use and benefit of the said academy; and may apply the same in such way, as to them, or a majority of them, may seem most for the benefit of the academy. They shall be vested with the legal title to all estate, real or personal, whether in possession or action, that belonged to the former trustees, and was held by them for the use of the academy; and they may maintain any action for the recovery of any thing that may be owing to the said academy, and receive conveyances for any real estate that may have been contracted for by the former trustees, or by any other person, for the use of the academy; and they shall have full power to carry into execution any contract which may have been made by the former trustees.

Vested with the legal title to the real estate; to receive conveyances, &c.

CHAP. DCLXIX.

1831.

AN ACT to regulate the terms of the Anderson county courts.

Approved, December 13, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, there shall be a county court held for Anderson county, in every month in the year, on the second Monday thereof, except in the months when circuit courts are held for said county.

County courts to be held on the second Mondays of each month.

CHAP. DCLXX.

AN ACT to divorce Harriett H. Rudd.

Approved, December 13, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Harriett H. Rudd be, and is hereby divorced from her husband John H. Rudd; and she shall be, hereafter, taken and considered to be an unmarried woman, and enjoy all the rights and privileges thereof.

CHAP. DCLXXI.

AN ACT to reduce the price of Head-right lands, on the south side of Green river, and for other purposes.

Approved, December 13, 1831.

WHEREAS, it is represented that the lands remaining to be paid for to this Commonwealth, derived under commissioners, county and circuit court certificates, to settlers south of Green river, and within the territory or bounds acquired by the treaty of Tellico, are generally poor and of but little value; and are owned and settled by poor persons: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the owner or owners of any such claim or claims, shall, hereafter, be permitted to pay for the same, at the rate of five dollars per hundred acres, and at that rate, for a greater or smaller quantity, at any time within twelve months from and after the first day of January next: and where partial payments have been made, the auditor of public accounts shall ascertain the balance due on such claim, on which partial payments have been made, by esti-

The price of vacant lands south of Green river, and in the Tellico purchase, reduced.

1831. mating the price of the whole claim surveyed, at five cents per acre, and then deducting therefrom, the partial payments; but should the partial payments exceed the whole amount due, there shall be no withdrawal of the excess from the treasury. And upon the production of the treasurer's receipt to the register, that the money has been paid, according to the aforesaid rate, he shall issue a patent, without other fee or charge, as in other cases upon warrants.

CHAP. DCLXXII.

AN ACT to divorce Mary Jane Caldwell.

Approved, December 13, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Mary Jane Caldwell is hereby divorced from Thomas L. Caldwell, and restored to all the rights and privileges of an unmarried woman.

CHAP. DCLXXIII.

AN ACT to amend the third section of an act for the regulation of the town of Cadiz, in Trigg county, approved, December 16, 1829.

Approved, December 13, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the third section of an act for the regulation of the town of Cadiz, in the county of Trigg, approved, December 16, 1829, be so amended that the trustees of said town may reduce the width of the cross streets of said town, ten feet, on either or both sides, so soon as the owners of all the lots on the side proposed to be reduced, shall give their written consent to the same; which written consent shall be proved by the oath of two witnesses, or acknowledged before the clerk of the said trustees, and entered of record on their books: and the trustees shall give at least thirty days' notice, posted up at the court-house door in said town, previous to making any sale authorized by the act to which this is an amendment.

The trustees may reduce the width of the cross streets, with the consent of the owners, &c.

Notice of sale of lots to be given.

CHAP. DCLXXIV.

1831.

AN ACT for the benefit of Richard Apperson and Andrew Trumbo, jr.

Approved, December 13, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts issue his warrant on the treasurer, in favor of Richard Apperson, for the sum of twenty dollars; and in favor of Andrew Trumbo, jr. for the sum of ten dollars for their services rendered, as Commonwealth's attorneys, in the 11th judicial district, during the vacancy occasioned by the resignation of James Trimble, and before his successor was appointed: which services were rendered by said Apperson, in the Pike and Lawrence circuit courts; and by said Trumbo, in the Floyd circuit court, by order of the judge of said court: and that the treasurer pay the same out of any Commonwealth's Bank paper in the treasury, not otherwise appropriated.

CHAP. DCLXXV.

AN ACT to amend an act passed 13th January, 1830, appropriating the fines and forfeitures of Monroe county, to the improvement of the public roads in said county.

Approved, December 13, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act approved, January 13, 1831, authorizing the county court of Monroe county, to appropriate all the money arising from fines and forfeitures, in said county, to the improvement of the public roads therein, be, and the same is hereby so amended, as to authorize the justices of said court, to apply any money to which the said court may be entitled under the aforesaid act, towards lessening the county levy of said county, laid by their said court, at their November term, 1831.

The fines and forfeitures of Monroe county to go towards lessening the county levy.

1831.

CHAP. DCLXXVI.

AN ACT to authorize the trustees of the town of Monticello, to levy a tax on the citizens thereof, to pave a foot-walk in front of each house and lot in said town.

Approved, December 13, 1831.

The trustees may levy taxes to pave the foot-walks in said town.

Not to exceed \$2 per tithe, or 50 cents on every \$100 worth of property.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the trustees of the town of Monticello, to levy and collect a poll tax, and an ad valorem tax, on the citizens and property of said town, for the purpose of paving a foot-walk in front of each house and lot in said town.*

SEC. 2. *Be it further enacted, That the trustees in levying said tax, shall not exceed, annually, the sum of two dollars on each titheable, and fifty cents on each hundred dollars' worth of property.*

CHAP. DCLXXVII.

AN ACT to add additional constables and magistrates to sundry counties.

Approved, December 13, 1831.

Two additional constables allowed to Henry county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the county court of Henry county, to appoint two additional constables in said county; one of whom shall reside, at the passage of this act, within the boundary of the second battalion of the thirty-eighth regiment of Kentucky militia, and the other shall reside between Six-mile and Flat creeks.*

To reside six miles, or upwards, from New-Castle.

SEC. 2. *Be it further enacted, That the county court of Henry county, in making the appointment of constables, in pursuance of the provisions of the first section of this act, shall not appoint any person to said office of constable, whose residence shall not be six miles, or upwards, from the town of New-Castle.*

One constable allowed to Campbell.

SEC. 3. *Be it further enacted, That there shall be allowed one additional constable to the county of Campbell, who shall reside in the town of Covington; one additional constable to the county of Wayne, to reside in Ewing's bottom, on Cumberland river; two additional constables to the county of Morgan, one of whom shall reside on Still-water, the other on Trip-lett's creek; one additional constable to the county of*

One to Wayne.

Two to Morgan

One to Warren

Warren, to reside in the neighborhood of John Young,

in the forks of Green and Barren rivers; one additional constable to the county of Caldwell, to reside in Eddyville, or its vicinity; one additional constable to the county of Grayson, to reside in Millerstown, or its vicinity; one additional constable to the county of Ohio; and one additional constable to the county of Livingston, to reside in the district in which the Camp creek post-office is kept, and within four miles of said office.

1831.

One to Caldwell

One to Grayson

One to Ohio,

One to Livingston.

Sec. 4. *Be it further enacted,* That there shall be allowed one additional justice of the peace, and one additional constable, to the county of Hickman; the latter, to reside in the town of Hickman: one additional justice of the peace to the county of Jefferson; two additional justices of the peace to the county of Whitley; two additional justices of the peace to the county of Laurel; one additional justice of the peace to the county of Muhlenburg; one additional justice of the peace to the county of Calloway; and one additional justice of the peace to the county of Mercer.

One justice of the peace, and constable, allowed to Hickman.

One justice to Jefferson.

Two to Whitley.

Two to Laurel.

One to Muhlenburg, Calloway, and Mercer.

Whereas, owing to the removal of James Hancock, who resided in the neighborhood of New-Haven, in Nelson county, that town and its neighborhood are in need of a justice of the peace to reside in that part of the county, and have petitioned that one be allowed them: For remedy whereof,

Be it further enacted, That one additional justice of the peace, and one additional constable, be allowed to the county of Nelson.

One justice and constable to Nelson.

CHAP. DCLXXVIII.

AN ACT to authorize Wm. Cupp to sell and convey a certain tract of land: and for the benefit of William T. Yeatman.

Approved, December 13, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be competent to William Cupp of the county of Mason, being nineteen years old, to sell and convey by deed, in fee simple, all his right, title, and interest, in and to a certain tract of land, in the county aforesaid, containing about thirty-two acres, which was devised to him by his paternal grand-father, subject to a life estate therein, in favor of Philip Cupp; which sale and

Wm. Cupp, a minor, authorized to convey land by deed.

1831.

Recital of
Yeatman's
case.

conveyance, of him the said William Cupp, shall, when made, be as good and effectual in law, as if he had attained the age of twenty-one years.

Whereas, John Beckwith, some years ago, departed this life, leaving a considerable real estate to be divided amongst his heirs; that upon an application, on the part of the heirs, to the Bullitt circuit court, a decree was rendered to sell the real estate of said Beckwith, to effect a division: and at the sale, one of his daughters, to-wit, Sarah Beckwith, purchased a house and lot in Shepherdsville; which house and lot, at the time of the purchase, was in the possession of Jonathan Gore, jr.; that the purchase made by the said Sarah, was made for her benefit, as to one undivided moiety, and as to the other moiety, for the benefit of William T. Yeatman, the son and only heir of a deceased sister; that shortly after the said Sarah Beckwith purchased said house and lot, she did, on the 26th September, 1827, sell the same to William Caldwell for \$1000, binding herself that her nephew should convey his moiety of said lot; that the sale was an advantageous one, and for the full value of said lot; the whole purchase money has been paid, and the purchaser has demanded a deed, which cannot be made, as the said William T. Yeatman is yet under twenty-one years of age: For remedy whereof,

The Bullitt circuit court authorized to decree a conveyance of a certain lot of ground belonging, in part, to Yeatman a minor.

Sec. 2. Be it further enacted, That in a suit in chancery, which may now be depending, or hereafter to be commenced by said Sarah Beckwith, against the purchaser of said house and lot, and his assigns; and also, against the said William T. Yeatman, in a circuit court having jurisdiction thereof; if the court shall be of opinion the said house and lot was sold for a full and fair price, and if the said William T. Yeatman and his father shall consent and agree to the same; and upon the said Sarah Beckwith paying to the said William T. Yeatman one half of the price of said house and lot, with the interest thereon, from the time of payment; to order and decree, that he, the said William T. Yeatman, shall join with the said Sarah Beckwith, in a conveyance of said house and lot, to the purchaser, or his assignee or assignees, having, by assignment, the right to the same: and when conveyance is thus made, it shall pass all the right, title, interest, and claim, of the said William T. Yeatman, to said house and lot, as effectually, to all intents and purposes, as if he was of full age.

CHAP. DCLXXIX.

1831.

AN ACT to amend the law in relation to idiots and lunatics.

Approved, December 13, 1831.

WHEREAS, it is represented to the present General Assembly, that by an undue and illegal execution of the existing laws in relation to lunatics and idiots, many persons, who are not idiots, are supported out of the public treasury: Wherefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That no order, by which money may be drawn from the treasury, in favor of any person, or the committee of any person who may heretofore have been found an idiot, shall hereafter be made by any circuit court in this Commonwealth, until the court shall, by examination of competent evidence; or by personal inspection, ascertain the person to be an idiot.

No order to draw money from the treasury, to be granted to the committee of any lunatic, or idiot, until the person is proved to be such.

SEC. 2. *Be it further enacted*, That whenever application is hereafter made to any circuit court, for an inquiry to be made as to the sanity or insanity of the mind of any person, it shall be the duty of the court to award a writ, by which the sheriff of the county shall be commanded to summon twelve house-keepers of the county, to inquire whether the person be, or be not, of sound mind; and if he be of unsound mind, whether he was so at the time of his birth, or became so afterwards: *Provided*, that the court may, in its discretion, direct the inquest to be held in open court.

Mode of obtaining writs of *de idiota inquirendo*, and proceeding thereon.

SEC. 3. *Be it further enacted*, That the jury so summoned, shall, after ascertaining the facts, of which they are commanded by the writ to inquire, report the same, plainly and distinctly, in writing, under their hands, to the sheriff; whose duty it shall be, to return the same to the circuit court of his county.

The inquest of the jury to be returned to court.

SEC. 4. *Be it further enacted*, That upon the return of the inquest, by the sheriff, the court shall make such orders as may be applicable to the case, and proper under the existing laws.

Duty of the court upon return of the inquest.

SEC. 5. *Be it further enacted*, That it shall be the duty of every committee who may heretofore have been appointed for any idiot or lunatic, or who may hereafter be appointed, to make out and return, upon oath, to the circuit court by which the appointment was made, once at least in every year, and as much oftener as the court may by its order direct, an inventory of

The committees of idiots and lunatics to return, annually, an inventory of their estates, if any.

1831.

Proviso.

all the estate, real, personal, or mixed, whether in action, possession, remainder, or reversion, which belongs to the person for whom he or they are the committee: *Provided* such person be the owner of any estate; and if he or she have no estate, it shall be the duty of the committee to report the fact to the court, where it shall be recorded.

And, also, the profits of their estates.

SEC. 6. *Be it further enacted*, That it shall be the duty of the committee aforesaid, at the time of returning the inventory as aforesaid, to report to the court the annual profits of the estate belonging to the idiot or lunatic; and if the profits of the estate, as reported by the committee, be inadequate to the support and maintainance of the idiot or lunatic, the court shall, by examining disinterested and competent witnesses, ascertain the true value of the profits of the estate; and thereupon, in case the value so ascertained, be inadequate to the maintainance and support of the idiot or lunatic, the court shall, from time to time, order the committee to sell such parts or parcels of the personal estate or slaves of the idiot or lunatic, as may be necessary for his or her support and maintainance.

If insufficient for their support, the court may order a sale of their estate.

The lands of lunatics may, in certain cases, be sold for their maintainance.

SEC. 7. *Be it further enacted*, That after the personal estate and slaves are exhausted, in the support of the idiot or lunatic, the court may, and is hereby directed, to order the committee to sell, at such credit as the court in its discretion may allow, any lands belonging to the idiot or lunatic, and cause the proceeds of the sale to be applied to the support and maintainance of the idiot or lunatic: *Provided, however*, that in no case shall the court order the sale of any estate belonging to lunatics who has a family.

The sales and conveyances to be made by their committees.

SEC. 8. *Be it further enacted*, That whenever the court shall order any estate belonging to an idiot or lunatic to be sold, as aforesaid, the committee shall, and he is hereby directed to make sale of the same, in conformity to the order of the court; and after making sale, the committee shall have full power, and is hereby directed to execute, in the name of the idiot and lunatic, deeds of conveyance to the purchaser, for the real estate by him sold; and the title shall thereby as effectually pass, as though the lunatic or idiot were of sound mind, and the conveyance was made by him.

Bond, with security, to be

SEC. 9. *Be it further enacted*, That the court, by whom any order of sale is made, as aforesaid, shall, before the estate is sold, cause the committee to exe-

cute bond, with approved security, in the penalty to be fixed by the court, to the Commonwealth of Kentucky, conditioned that the committee shall well and truly execute the order or orders which the court may have made, or shall make, for the sale of the idiot's or lunatic's estate; and that the committee will faithfully apply and account for the proceeds of the sale, in such manner as the law may charge him, or the court, by its order, may direct.

1831.

first given by
the committee.

Condition
thereof.

SEC. 10. *Be it further enacted*, That it shall be the duty of the several clerks of the circuit courts in this Commonwealth, to place on the docket, at each term, the names of the several idiots and lunatics, found by inquest, under the direction of said court, with the name of the committee.

A list of idiots,
and lunatics,
and their com-
mittees, to be
kept by each
circuit court
clerk.

CHAP. DCLXXX.

AN ACT to regulate the mode of accounting for taxes received by clerks, &c. on law process, deeds, seals, &c. collected for revenue purposes.

Approved, December 13, 1831.

WHEREAS, it is represented to the present General Assembly, that owing to the complication of the present laws in relation to the clerks' making returns of taxes collected on law process, deeds, seals, &c. to the auditor of public accounts, the Commonwealth is retarded in the collection of her revenues: For remedy whereof,

Recital.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the several circuit court clerks in this Commonwealth, shall, hereafter, state at the foot of the issue docket of each term, first, the number of chancery appearances, and next, the number of common law appearances to that term, on which taxes are, by law, payable; and shall then state the amount of all other taxes by him received since the commencement of the preceding term of his court, including therein, taxes received for affixing his seal of office, and upon appeals from the judgments of his court to the court of appeals; and exhibiting each separately: and shall certify, on oath, before the court, at the foot of such statement, that the same exhibits fully and truly the amount of all taxes payable by law to him, as clerk of his said court, from the commencement of the preceding term.

The several
clerks to make
out, at each
term, a list of
suits brought,
and of taxes by
him received, or
for which he is
liable, and
make oath to
the same.

1831.

The judge to examine and certify the same to the auditor, and have the same recorded.

Penalty on clerks for a failure of duty in this respect.

Clerk to certify the list, to transmit to the auditor.

The county court clerks to furnish, annually, a list of taxes on deeds, and seals, &c. received by him.

The list to be examined and compared by the presiding justice and county attorney, &c.

To be recorded, certified, and transmitted to the auditor.

The clerk court of appeals, general court, and

SEC. 2. *Be it further enacted*, That it shall be the duty of the several judges of the circuit courts, at each term of their respective courts, to require of their clerk the production of their dockets, with the statement and certificate aforesaid, appended thereto, and to examine the same minutely; and if satisfied that the said statement and certificate, exhibits truly the amount of taxes which the clerk is bound to account for, shall cause the same to be recorded upon the order book of the court, and certified to the auditor of public accounts; and if any clerk of a circuit court, shall fail or refuse to exhibit such statement and certificate, at any term of his court, it shall be the duty of the court to render judgment against him, for a fine not exceeding thirty dollars: and if, upon examination, the judge of any circuit court shall find that the statement and certificate aforesaid of the clerk, is incorrect, he shall cause the same to be corrected before it shall be entered upon the order book of the court: and it shall be the duty of the clerk of each and every circuit court, to transmit to the auditor of public accounts, immediately after each term of the court of which he is clerk, a copy of the statement, certificate, and order, of the court aforesaid.

SEC. 3. *Be it further enacted*, That it shall be the duty of the several county court clerks in this Commonwealth, to keep a list of all moneys collected and collectable by them, upon seals, and recording deeds, upon which a tax is now imposed by law, and all other money collected for revenue purposes; which list, so made out and kept by him, he shall present to the county court at that term in each year in which the county levy is laid: whereupon, it shall be the duty of the presiding justice of said court, together with the attorney for the county court, to examine said list, and to compare it with the number of deeds recorded in said office, for that year; and if they find the same correctly kept and made out, the court shall cause the aggregate amount of such statement to be entered upon its order book, and certified to the auditor of public accounts, together with the list aforesaid, kept by the clerk; which it shall be his duty to certify, contains a full and fair exhibition of all taxes and money received by him, for revenue purposes, from the time he shall have previously accounted for taxes and money of the like description. And the clerk of the court of appeals, and general court, and the see-

retary of state, shall keep an account of all moneys now directed, by law, to be collected for revenue purposes; and in the months of October or November, in each year, shall present to the county court of Franklin, an aggregate account of each item of revenue, and make oath to the correctness of the same; which accounts shall be entered of record, as in cases of the county court clerks.

Sec. 4. *Be it further enacted,* That on or before the first day of January in each year, it shall be the duty of the several clerks or other officers named in this act, to return to the auditor of public accounts, an account, containing the aggregate amount of the taxes received as aforesaid, for revenue purposes; and in case of a failure thereof, shall be subject to any fine, in the discretion of the court, not exceeding the penalty of their bonds, recoverable by motion of the auditor of public accounts, in the general court. And if any clerk or other officer, after returning their accounts of taxes received, shall fail to pay into the treasury any money by him payable there, on or before the first day of January in each year, the auditor of public accounts shall, on the third day, or any subsequent day of the June term of the general court, move for judgments against such clerks or other officers, and his securities, for the amount due from him; and a memorandum shall be lodged by the auditor, with the clerk of the general court, on or before the third day of the term, mentioning what clerk, or other officers, he means to move against, and the days the motions are to be made against each: and the court shall proceed and enter up judgment for what may appear unpaid against such clerk or other officer, and his securities, as heretofore directed by law, on motions, except that no notice, of any kind, shall be required; and except that such judgments shall be for the principal sums due, with an interest at the rate of eighteen per cent. per annum, from the time the same shall become due, until paid. But nothing in this act contained, shall prevent a clerk or other officer, from appearing and making any defence, except the want of notice, which he could make, before the passage of this act; and if the auditor should not make such motion, at the first court after such failure, he shall give ten days' previous notice, as heretofore, to such clerk or other officer, before he moves for such judgment, whether in case of a failure to return his accounts or to pay the

1831.

secretary of state, to furnish a list to the Franklin county court, annually, and make oath thereto.

The several clerks, &c. to return to the auditor an account of the aggregate amount received by them, respectively, for the preceding year.

Penalty for a failure of duty.

A judgment may be had against them, and their securities, for a failure to pay the amount into the treasury.

No notice necessary.

Proviso.

1831.

Commission allowed clerks, &c.

Penalty on clerks of county courts for failing to return the sheriff's bond for the collection of the revenue, or the commissioners' books, in due time.

Repealing clause.

amount of such account, after he has returned it. Five per cent. shall be allowed for collection of all money received by the clerks of courts and secretary of state, for revenue purposes, under this act.

SEC. 5. *Be it further enacted*, That if any county court clerk shall fail to return to the auditor of public accounts, the sheriff's bond for the collection of the revenue, each year, on or before the first day of June, or should fail to return to the auditor of public accounts, the commissioner's books, each year, on or before the first day of December, he shall be fined the sum of three hundred dollars; in each case, recoverable by motion, in the general court, in the same manner as failing to account for taxes received, and without notice. All acts, and parts of acts, that come within the purview of this act, shall be, and the same are hereby repealed.

CHAP. DCLXXXI.

AN ACT for the benefit of John J. Posey.

Approved, December 14, 1831.

WHEREAS, it is represented to the present General Assembly, that John J. Posey, under the authority of the governor of this Commonwealth, did go from this state to the state of North-Carolina, at his own charge and expense, to demand from the governor of North-Carolina, John Edwards, a fugitive from justice from this state; and that the said John J. Posey did receive and bring the said John Edwards from North Carolina to this Commonwealth, and delivered him to the jailor of Knox county, from whence he had fled: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the auditor of public accounts, to issue a warrant on the treasury, in favor of the said John J. Posey, for the sum of seventy dollars; and it shall be the duty of the treasurer to pay the same, in full discharge of all claims which the said John J. Posey may have, for the services aforesaid.

CHAP. DCLXXXII.

1831.

AN ACT to amend the several acts in relation to the state road leading from Franklin to Owenborough.

Approved, December 14, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Ohio county, shall have power to alter and change the state road leading from Franklin to Owenborough, within the bounds of said county, as in other cases of altering and changing roads: *Provided,* that said court shall have no power to change the general direction of said road, or make any alteration, one mile at any one place: *And provided, also,* that a majority of the justices of the peace in said county, concur in the proposed alteration.

The county court of Ohio authorized to change said road in that county.

Proviso.

Further proviso

CHAP. DCLXXXIII.

AN ACT to authorize the county court of Jefferson county, to increase the allowance to the patrols of said county.

Approved, December 14, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Jefferson county, in lieu of the compensation now allowed by law to patrols, shall be, and is hereby authorized to allow to the captain of each patrol one dollar and forty cents, and to each assistant the sum of one dollar and twenty cents, for every twelve hours they shall patrol, under the order of said court, according to law; to be paid out of the county levy as heretofore.

CHAP. DCLXXXIV.

AN ACT for the benefit of William W. Ater, and others.

Approved, December 14, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the auditor of public accounts be, and he is hereby directed to issue his warrants on the treasurer, in favor of William W. Ater, for the sum of \$259; to Jonathan Rigg, for \$26 50; to Robert Beatty, for \$17 50; to Andrew M'Calla, for \$1,163; and to the president, directors,

Certain allowances made them, upon executing a release to the state.

1831. and company of the bank of the United States, for the sum of \$534; upon each of said claimants executing a discharge, in full, to the Commonwealth, for all claims on account of the purchase and transfer of the lot and buildings now owned by this Commonwealth, and occupied as a lunatic asylum, in the town of Lexington; these several sums being the amount yet due for said property: and the treasurer is hereby directed to pay the same out of any money in the treasury not otherwise appropriated.

SEC. 2. *Be it further enacted*, That the persons, for whose benefit the appropriations in this act are made, shall, before they severally obtain the warrants in their favor, for the money herein appropriated, from the auditor of public accounts, file with the auditor, a release to the Commonwealth, of all claims and demands on account of said Hospital: *And provided, further*, that the sums herein appropriated, when drawn from the public treasury, shall be in full of all demands for said Hospital.

CHAP. DCLXXXV.

AN ACT for the benefit of Radford M'Cargo.

Approved, December 22, 1831.

Preamble.

WHEREAS, Radford M'Cargo sold to John Henderson, a tract of land in Clarke county, on which said Henderson settled, and kept possession till his death, still holding the bond of said M'Cargo, not requiring a conveyance, and as is supposed, at his death, left no heirs or distributees; and the said M'Cargo again took possession of said land: and Absalom Hanks, who was not either a creditor or of kin to said decedant, took administration on the estate of said Henderson, and relying on the conveyance of said land not having been made in the lifetime of said Henderson, at the time stipulated in said bond, brought an action thereon, and recovered judgment, in the Montgomery circuit court, for the value of said land, with interest; and the said M'Cargo has enjoined the same, relying upon some equity set up in his bill: and if his injunction should be dissolved, it will prove ruinous to said M'Cargo; and the money will have to be paid to the present administrator *de bonis non*, who has administered since the death of said Hanks, and who will,

probably, never be compelled to account for it, and will have no title, in equity, to the same: For remedy whereof,

1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if the equity set up by M'Cargo, in his present suit in chancery, be ultimately decided against him, it shall be the duty of the court where the ultimate decision shall take place, to permit an amended or supplemental bill to be filed, alleging that said Henderson has no creditors or distributees, and requiring an account and settlement of the personal estate and slaves of said Henderson, with the present administrator, and the personal representatives of the former one: and if it shall appear, on a final settlement of all the administration accounts, after allowing all just claims of the administrators, as in other cases, where the accounts of administrators are settled in chancery, between them and distributees; and that there are no distributees known, or creditors, requiring the payment of said judgment: and if the said judgment, or any part thereof, shall remain as a distributable surplus; it shall be the duty of the court to restrain the collection of said judgment, or any part thereof, still remaining as a surplus: *Provided,* said M'Cargo shall give his obligation, with real or personal security, satisfactory to said court, payable to said personal administrator, conditioned to pay up said surplus, in case any distributee or distributees shall appear, and identify themselves as such; and to account for so much thereof, as shall be necessary to discharge and pay any just debts which may hereafter appear against the estate of said Henderson: and also, conditioned to indemnify, and save harmless, the present and former administrator, against any sum or sums which may be recovered against them or their respective securities, or either of them, on their administration bonds, given in the county court, to the amount of said sum so restrained and enjoined, by any creditor or distributee; which bond may be put in suit by any person injured by a breach thereof.

The chancellor may decree that M'Cargo retain in his hands the amount of a judgment against him, by an administrator, if no creditor or distributee shall appear

SEC. 2. *Be it further enacted,* That if, on the settlement above directed, it shall appear that any part of said judgment shall be due to the administrators, or either of them, to balance their accounts, the court shall permit such part to be collected, by execution, and not include that much in the restraining order herein directed.

Part of said judgment may be collected, if necessary, to balance the administrators accounts.

1831.

Settlement to
be made as in
other cases.

SEC. 3. *Be it further enacted*, That the court, in making the settlement herein directed, shall be governed by the same rules which now apply, by law, to the settlement of other estates, in case of intestacy; and such settlement shall operate as a distribution, in favor of the former and present administrator; and shall bar actions against them, in the same time that distribution in other cases, will become a bar, as now provided by law.

Creditors and
distributees to
be paid.

SEC. 4. *Be it further enacted*, That it shall be lawful for said court making such settlement, at any future day, to remove said restraining order, by supplemental bill, and the customary proceedings thereon: *Provided*, any creditor or distributee shall establish his right to the money due on such judgment, or from such part thereof, as shall be sufficient to satisfy the claim of such creditor or distributee.

CHAP. DCLXXXVI.

AN ACT for the benefit of the mechanics of the City of Louisville.

Approved, December 22, 1831.

Mechanics to
have a lien on
buildings for
their pay.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That carpenters, joiners, brick and stone-masons, plaisterers, turners, painters, brick-makers, lumber-merchants, and all others performing labor, or furnishing materials for the construction or repair of any building within the City of Louisville, shall, and may have a joint lien upon the buildings they may be employed to construct or repair, or for which they may furnish materials, to the extent of labor done and materials furnished by them, respectively: *Provided*, that no lien shall attach for any sum not amounting to twenty dollars.

All persons
having a lien
may join in a
suit to enforce
the same.

SEC. 2. *Be it further enacted*, That any person or persons, having a lien under this act, may enforce the same, by filing a bill in the Jefferson circuit court, at any time within one year from the completion of the work, or furnishing the materials. All the persons having a lien, may join in the bill against the employer; or one or more of them, may file a bill against the employer, and the other persons having a lien. Each claim shall be clearly and distinctly stated, and as clear and distinct an answer shall be made to the same. The

1831.

court, on the application of either party, may direct an issue to be made, and a jury called to try the same, as in other cases at law: and when the claim of each shall be ascertained, the court shall decree the amount against the owner of the building, and direct the house, and the interest of the employer in the lot, to be sold, on a credit of six, twelve, and eighteen months; and shall cause the sale money to be collected and distributed, in payment of the amount decreed to the claimants. The amount, due the claimants, shall bear legal interest from the time the same shall have become due, by the contract of the parties; and the purchaser of the property shall pay interest from the time of the sale. The court, after the claimants have all been paid, shall direct the surplus to be paid over to the owner of the property; and should the proceeds of the sale prove insufficient to pay all the claimants, then the court shall cause each to be paid in proportion.

SEC. 3. *Be it further enacted,* That any journeyman who may be employed in the construction, or repair, of any building within the City of Louisville, shall, to the extent of his wages, for the labor done on such building, have a lien on the same: *Provided,* that such journeyman shall give the owner of the property, written notice, before payment is made to the undertaker or building mechanic, that he looks to the property for payment of what may be due to him, for labor done on the building. He may file his bill to enforce the lien; and he may be, and shall have a right to be made a defendant to any bill brought to enforce any lien given by this act. He shall have a right to a decree for the wages due to him; and the same shall be paid out of what may be due to the undertaker, or building mechanic, if so much be due to him. And if there be more than one journeyman entitled to a lien under this act, and the amount due to the undertaker shall not be sufficient to pay them all, they shall be paid in proportion.

Journeymen to
have a lien.

Proviso.

SEC. 4. *Be it further enacted,* That none of the persons named in the first section of this act, shall have a lien, if they shall have taken security; nor shall any journeyman have a lien, when his principal has none.

No lien, if security be taken.

SEC. 5. *Be it further enacted,* That the complainant, or complainants, in any suit instituted under the provisions of this act, may proceed to the proof of their respective claims, immediately on the service of

Parties may
prove their
claims.

1831.

process; and any defendant, or defendants, claiming a lien, may proceed to the proof of their respective claims, immediately on filing their respective answers, asserting and specifying their claims. It shall not be necessary for a defendant, or defendants, claiming a lien or relief against any complainant, or co-defendant, to make their answer, or answers, a cross bill against the complainant; or any of the co-defendants; but the assertion of their respective claims and liens, in their answers, with a prayer for the appropriate or general relief, shall be sufficient to authorize the court to enter the proper decree for relief, against any of the complainants or defendants.

Answers to be
filed, and cause
to stand for tri-
al at the first
term.

SEC. 6. *Be it further enacted*, That immediately on the service of the process, in any suit instituted under the provisions of this act, any defendant, or defendants, shall have the right to file with the clerk of the Jefferson circuit court, his or their answer, under oath; and the clerk shall endorse thereon, the true time of filing the same; and twenty days shall be allowed to a defendant, or defendants, to file their answers, after the service of process. The cause shall stand for trial at the first term after the service of process, if the same shall have been served twenty days before the commencement of the court; and either at a common law or chancery term; and may be taken up for trial, on ten days' notice, in writing, on any day of any such term. The court, for good cause, may continue the cause, and may permit a defendant, or defendants, to file his or their answers, at any time before the trial of the cause, on such terms as the court may deem equitable.

CHAP. DCLXXXVII.

AN ACT for the benefit of the heirs of Stephen Ashby, junr. deceased.

Approved, December 22, 1831.

Preamble.

WHEREAS, it is represented to the General Assembly, that Stephen Ashby jr. of Hopkins county, died in May eighteen hundred twenty-nine, intestate, leaving a widow and four children, who are infants; that he was possessed of three hundred and eleven acres of land, upon which he lived, some slaves, and a small personal property: that Nathaniel Ashby, and

the widow Pamela Ashby, administered upon his estate, disposed of the personal property and one of the slaves, and applied the proceeds to the payment of debts due therefrom; that there is yet about eighty dollars of the debts unpaid; and it will be necessary to dispose of one of the remaining slaves, (who are young,) or part of the land, to pay the same: and it is further represented, that to sell fifty acres of the land and reserve the slaves for the widow and children, would be to their advantage: Wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, upon a petition being filed by the administrators and heirs, (by their next friend,) of the said Stephen Ashby jr., in the Hopkins circuit court, setting forth the amount of the personal estate, including the money received from the sale of the slaves, and debts due the estate; also, the debts due from the estate, to whom, and the amounts, and the amount of moneys paid out, and to whom, and what balance is yet unpaid: and that it would be to the advantage of the widow and heirs, that the balance thus due, should be raised by a sale of fifty acres of the land, (at some end or corner to be particularly designated,) instead of selling a slave; it shall be the duty of the said Hopkins circuit court, immediately to examine into said petition, vouchers, and accounts, and to hear such further evidence as may then be produced: and if said court shall be of opinion, that after a fair and just application of the assets in the hands of the administrator, that there is yet a balance due, and that it would be to the advantage of the heirs that fifty acres of the land should be sold to raise such balance, instead of the slaves, to decree a sale of said fifty acres, upon such credit as said court shall consider best calculated to advance the interest of the parties concerned; and appoint a commissioner to sell and convey the same.

The Hopkins circuit court may decree the sale of real estate of infants, to pay the debts of their deceased father.

SEC. 2. *Be it further enacted,* That the said administrators, or one of them, shall, in the said circuit court, before receiving the money arising from the sale of the land, give bond to the Commonwealth, with security, to be approved by the court, and in such penalty as the court shall fix, for the faithful application of the money to the payment of the debts.

Commissioner to give bond.

SEC. 3. *Be it further enacted,* That it shall be the duty of the court to ascertain, by two commissioners, as near as may be, the value of said fifty acres of land,

Land to be valued, and not to be sold for less than $\frac{2}{3}$ ths of its value.

1831.

and to decree that the sale be not made, unless it be sold for three fourths of the value reported by the commissioners.

CHAP. DCLXXXVIII.

AN ACT for the benefit of Ann D. Yancey.

Approved, December 22, 1831.

Preamble.

WHEREAS, it appears that Thomas I. Yancey, of Bourbon county, is a lunatic, and is totally incapable of bestowing a proper attention to his family, or to his pecuniary concerns: and whereas, it is represented, that said Thomas I. Yancey has a wife and five small children, and is also possessed of several valuable slaves, but owns no land in this Commonwealth, and his wife and children are without a home; and whereas, James Simms is the committee of said Thomas I. Yancey:

The Bourbon circuit court authorized to decree a sale of some slaves of a lunatic.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said James Simms, the father of Ann D. Yancy, wife of said Thomas I. Yancey, be authorized to exhibit a bill in the Bourbon circuit court, making said Ann D. Yancey a defendant thereto, and setting forth the circumstances of the case, and praying a sale of so many of the slaves as he may deem proper, to purchase a tract of land for the said Ann D. Yancey. Whereupon, if the said Ann D. Yancey, in her answer, consents to the sale of the said slaves, the court shall render a decree, empowering said James Simms to make sale of three of the slaves of the said Thomas I. Yancey, to-wit, Darius, John, and Aggy, for cash, or upon such credit as, in his discretion, may seem best; and to expend the proceeds of such sale, after paying costs, in the purchase of a house and piece of land, for the said Ann D. Yancy; and the title of said house and land shall be executed to the said Thomas I. Yancy, for the benefit of himself, his wife, and children.

Commissioner to give security.

SEC. 2. *Be it further enacted*, That the court aforesaid, shall require the said James Simms to execute bond, with security, in a reasonable penalty, to said Ann D. in the clerk's office, faithfully to discharge his duties, under said decree, and report his proceedings to the court.

CHAP. DCLXXXIX.

1831.

AN ACT concerning suits for Alimony.

Approved, December 22, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in all cases now pending, or hereafter pending, in any of the courts of this Commonwealth, in favor of a wife, against her husband, for alimony, it shall be the duty of the court, in which any such suit is depending, upon being satisfied, by the examination of witnesses, or the production of the affidavit or affidavits of disinterested persons, that the complainant is not suitably provided for by him, to make an order on the records of said court, that such husband shall pay to his wife so much money as said court may deem sufficient for the comfortable support and maintainance of his wife, for one year, regarding the amount of the husband's estate; and execution shall issue therefor immediately, on the application of such wife, her agent, or attorney: and said court is required to renew such order, from time to time, as equity and justice shall require; and the same proceedings to be had thereon, by execution, until such suit for alimony is decided.

The complainant to be provided for, during the pendency of the suit.

SEC. 2. *Be it further enacted,* That all laws or parts of laws, which now require a jury to find the facts, upon which a claim of alimony depends, be, and the same are hereby repealed.

A jury not necessary.

SEC. 3. *Be it further enacted,* That the chancellor, in all causes now pending, or hereafter commenced, shall try the facts of the cause, as in other cases in chancery.

The chancellor shall try the facts.

SEC. 4. *Be it further enacted,* That before an application is made to the court, under the first section of this act, for an order on the defendant, for support of the complainant, five days' previous notice shall be given to the defendant, of the time of the intended application; or in the absence of such defendant, said notice shall be left at his place of residence: *Provided, however,* the aforesaid order shall not be entered, if it shall appear from the testimony, that the wife is living in adultery.

Notice to be given of the motion for a support during the pendency of the suit.

1831.

CHAP. DCXC.

AN ACT for the benefit of the Cumberland Hospital.

Approved, December 22, 1831.

Preamble.

WHEREAS, no appropriation was made, by the last legislature, for the support of the Cumberland Hospital, and the trustees of said institution having incurred debts in supporting the same during the past year: Therefore,

Money appropriated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of four hundred and twenty-nine dollars and fifty cents, be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to the trustees of said institution, for the purpose of being applied by them, to the payment of the debts of said Hospital; and the further sum of one thousand dollars is hereby appropriated, for the benefit of said Hospital: and the auditor is, hereby, required to issue his warrant upon the treasury, for said sums, in favor of the trustees of said Hospital, to be paid by the treasurer in Commonwealth bank notes.

CHAP. DCXCI.

AN ACT for the divorce of Polly Clemmons, from her husband Benjamin Clemmons.

Approved, December 22, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Polly Clemmons, and Benjamin Clemmons her husband, as to the said Polly, he, and the same is hereby annulled and set aside; and the said Polly Clemmons be, and she is hereby restored to all the privileges and immunities of a *feme sole*.

CHAP. DCXCII.

AN ACT to appropriate certain vacant lands of Casey county, to the improvement of certain roads, and for other purposes.

Approved, December 22, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the

land-office is hereby directed to issue a land-warrant, in the name of the county court of Casey, for five thousand acres, which may be located on any vacant land in said county.

1831.

5000 acres of land granted to Casey county.

SEC. 2. *Be it further enacted*, That it shall be lawful for said county court of Casey, to appoint a commissioner or commissioners, to superintend the location of said land, and transfer any part, or all of said warrant, or any plat of survey made by virtue of said warrant; and the register of the land-office shall receive, register, and issue patents on the same, without fee; and the proceeds or money arising from the sales of said land, shall be appropriated to the improvement of the road leading from the town of Liberty to the Rolling-fork, near Timothy Goode's, in a direction to Springfield; and the road leading from Drake's Camp to Carpenter's Station, or any road in Casey county, the court may judge to be of the most public utility: and said commissioner or commissioners, shall enter into bond, with good security, approved of by said court, for the faithful performance of their duty.

The county court to appoint commissioners to locate, or assign, the warrants:

And to appropriate the proceeds in improving certain roads.

SEC. 3. *Be it further enacted*, That the register of the land-office is hereby directed to issue a land-warrant, in the name of Ezekiel H. Field, for five thousand acres of land, which may be located on any vacant land in Madison county, for the benefit of the Madison seminary; which warrant may be located in one or more tracts; and the register of the land-office shall issue patents on the surveys made on said warrant, without fee or charge.

5000 acres of land granted to Madison county, in the name of E. H. Field, for the use of the seminary.

SEC. 4. *Be it further enacted*, That it shall be the duty of the register to issue to Jesse Moore, David Weaver, and Ezekiel S. Jones, three hundred dollars' worth of land-warrants: two hundred dollars' worth of which, to be located in Laurel county, north of the Crab-Orchard road; the residue to be located in Knox county, north of the wilderness road. The said commissioners shall appropriate the same to the improvement of the road, which is called and known by the name of "Jesse Moore's road;" and the surveys heretofore made, on any waste or unappropriated land in Laurel county, north of the Crab-Orchard road, by virtue of warrants issued for said road, be, and the same are hereby ratified and confirmed.

\$300 in land-warrants granted to Laurel county.

Where to be located:

And how to be appropriated.

SEC. 5. *Be it further enacted*, That the register of the land-office shall issue, free of charge, three hundred dollars' worth of land-warrants, in warrants of

\$300 in land-warrants granted to Rockcastle county.

1831.

Proceeds—how
to be applied.

fifty acres each, to be located in the county of Rockcastle, to the county court of Rockcastle; the warrants to be appropriated under the direction of the county court, to assist in the construction of a road from the Crab-Orchard fork of the wilderness road, at or near Mount-Vernon, to intersect the road from Richmond to the Hazlepatch, in Laurel county.

Commissioners
to be appointed
to view said
road, &c.

SEC. 6. *Be it further enacted,* That said court shall appoint three commissioners, to view out, and report said road; and if said report is confirmed, they shall appoint an overseer to open the same, whose allowance shall not exceed seventy-five cents per day, payable out of said warrants.

To assign the
warrants.

SEC. 7. *Be it further enacted,* That said court shall appoint some person to assign the warrants by this act granted.

The expenses
of location to be
paid out of the
warrants.

SEC. 8. *Be it further enacted,* That the expenses attending the location of the said warrants herein appropriated, shall be paid out of the said warrants.

CHAP. DCXCIII.

AN ACT providing a mode for a settlement with the Receiver of public monies for the Land district west of the Tennessee.

Approved, December 22, 1831.

Preamble.

WHEREAS, it appears to the present General Assembly, that there has been no satisfactory settlement with the receiver of public monies for the land district west of the Tennessee river, since the establishment of his office; and the precise amount of sales or monies received are not correctly known at the auditor's or register's office, and cannot be properly ascertained until a full settlement shall be had with said receiver: Therefore,

Commissioners
appointed to
settle with the
receiver in May
next, and report
any balance
due from him.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said receiver shall, on or before the first Monday in May, in the year eighteen hundred and thirty-two, bring all the books of his said office, to the register's office in the town of Frankfort; and the register, treasurer, and the auditor of public accounts, are hereby required to examine said books, and compare them with the certificates for lands sold that may be filed in said office, and also with the amounts that have been paid into the treasury.

ry for lands sold in said district; and that they make a full settlement with him, and ascertain as near as may be, the amount due from said receiver, if any; and that they make out a full report of said settlement, specifying the number of quarter sections and fractional quarters, sold by said receiver in each year, up to the date of the settlement; and also, the amount of moneys received for said sales, and the amount of moneys paid into the treasury, deducting therefrom, the amount rightfully retained by said receiver, as his legal salary and commission; and make out three fair copies of said report and deposit one in the secretary's office, one in the auditor's office, and submit one to the next legislature.

1831.

SEC. 2. *Be it further enacted*, That it shall be the duty of all persons now holding certificates for land in said district, or to whom certificates may be granted by said receiver at any time before the first day of November in the year eighteen hundred and thirty-two, to file the same in the register's office, on or before the tenth day of December next thereafter; and in each and every year thereafter, all certificates that shall be granted before the first day of November, shall be filed in the register's office, on or before the tenth day of December thereafter.

Certificates of the receiver, for lands sold in said district, to be filed in the register's office in December, annually.

SEC. 3. *Be it further enacted*, That it shall, hereafter, be the duty of said receiver, on or before the first Mondays in May and December in each year, to transmit to the auditor of public accounts, a transcript of so much of his books as shall contain the sales made the six months next preceding; which said transcript, the auditor and register shall, as soon as may be, compare with the certificates that shall be filed in the register's office: And from year to year, it shall be the duty of the auditor to report the result of said comparison to the legislature.

The receiver to return transcripts of sales to the auditor, semi-annually.

To be compared by the auditor and register, and reported to the legislature.

SEC. 4. *Be it further enacted*, That so much of the law now in force, as requires the receiver to pay the money arising from the sales of land in said district, to the agent of the Princeton branch bank, is hereby repealed; and it shall be the duty of said receiver, hereafter, to pay said money into the public treasury, on or before the first Mondays in May and December in each year.

The receiver to pay the money received, into the treasury, semi-annually.

SEC. 5. *Be it further enacted*, That it shall be the duty of said receiver to receive, in payment for lands sold in said district, specie, and bills upon the Bank of

What kind of funds may be received in pay-

1831.

ment for land
sold.

The receiver to
keep an account
of the kind of
funds received,
and pay it in
kind into the
treasury.

Penalty on the
receiver for a
violation of his
duty, or evading
this act.

of the United States, or its branches, and allow to the persons making payment in such funds, five per cent advance upon the same; also, Commonwealth's Bank paper. And he shall keep an accurate account of all such good funds as he may receive, as well as of the Commonwealth's Bank paper, distinctly and separately. And if the receiver shall resort to any shift, device, or evasion, directly or indirectly, to obstruct the payment of good funds into the said office, or to cause the same to be converted into Commonwealth's Bank paper, before the same shall be tendered in payment for lands sold; or shall fail to pay the same into the public treasury when received, it shall be a high misdemeanor in office, and subject him to a fine of five hundred dollars for each offence, and to removal from office; besides, an action upon his bond for all losses which the government has sustained by said misconduct or failure.

CHAP. DCXCIV.

AN ACT appropriating some of the vacant lands in Greenup, Fleming, Bath, and Montgomery counties, to improve the road leading from Mountsterling to the mouth of Big Sandy.

Approved, December 22, 1831.

Commissioners
appointed to su-
perintend said
road in Mont-
gomery county.

\$500 in land-
warrants grant-
ed to improve
the same.

To be located
in Montgomery

And may be
surveyed, and
carried into
grant.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Hezekiah C. Ellis, George Case, and John Ribelin, are hereby appointed commissioners, to superintend the improvement of so much of said road as lies within Montgomery county.*

SEC. 2. That there is hereby appropriated, land-warrants to the value of five hundred dollars, at five dollars per hundred acres, for the purpose of improving so much of said road as leads from Mountsterling to the county line; which land-warrants shall be laid in Montgomery county.

SEC. 3. The warrants issued by virtue of the foregoing act, may be surveyed in the name of the assignee or assignees of said commissioners, or any two of them; and the register shall issue patents for lands surveyed upon such warrants, in pursuance of this act; as in other cases: the said warrants shall issue for fifty acres each, but two or more warrants may be included in one survey.

SEC. 4. That before said commissioners shall enter upon the discharge of the duties of this act, they shall enter into bond, in the Montgomery county court, with good security, to be approved by said court, payable to the Commonwealth of Kentucky, in the penalty of one thousand dollars, conditioned that they will faithfully perform all the duties required of them by this act; and upon the production of the clerk's certificate that they have so entered into bond, the register is hereby required to issue said land-warrants.

1831.

Com'rs to give bond and security.

Condition.

SEC. 5. Any two of said commissioners may act; and they shall proceed, as soon as convenient after the passage of this act, to meet at the mill of George Case, and thence proceed to make such disposition of the appropriation, as in their judgment will promote the object of this act, either by causing work to be done upon the road, or the erection of a bridge across Slate-creek, at said George Case's mill.

And then proceed to act, &c.

SEC. 6. *Be it further enacted*, That there is hereby appropriated, land-warrants to the full value of fifteen hundred dollars, at five dollars per hundred acres; which warrants shall be laid in Bath, Fleming, and Greenup counties.

\$1500 in land-warrants granted to Bath, Fleming, and Greenup counties.

SEC. 7. That John M. Rice of the county of Bath, Henry Powers of the county of Fleming, and Gabriel Scott of the county of Greenup, are hereby appointed commissioners, to receive said fifteen hundred dollars' worth of land-warrants, and appropriate the same for the improvement of so much of said road as lies within the counties of Bath, Greenup, and Fleming; and under the same rules and regulations, in each county, as is required by the above act, in regulating the commissioners appointed for Montgomery county.

Com'rs appointed to receive and appropriate the same.

SEC. 8. *Be it further enacted*, That so much of the ninth section of an act, approved January 15, 1831, making an appropriation to aid in the repair of the Sandy road, as requires the surveyors of said road to call out the hands, six days in each year, be so modified as to leave that matter to the discretion of said surveyors, as is provided by the general laws now in force in relation to roads.

Part of the act of 1831, modified.

SEC. 9. *Be it further enacted*, That nothing in this act, or in any other relating to this road, shall be so construed as to require toll from persons going to, or returning from, religious worship, musters, or elections; in which cases, no toll shall be required.

Regulations in regard to the tolls.

1831.

The proportion of land-warrants granted to Bath county, to be appropriated in that county.

\$400 in land-warrants granted to Morgan county, to improve certain roads.

To be located in said county.

Commissioners appointed in relation to Morgan county.

\$300 in land-warrants granted to Fleming county, to improve a road therein.

Com'rs to appropriate the same.

To give bond and security.

SEC. 10. *Be it further enacted*, That the proceeds of that proportion of land-warrants hereby granted to Bath county, shall be applied and expended on that part of the main road, leading from the mouth of Big Sandy to Lexington, that lies in said county of Bath, from the crossing of Licking, through Owingsville to Mountsterling, by way of the Flat-creek post-office.

SEC. 11. *Be it further enacted*, That there is hereby appropriated the sum of four hundred dollars, in land-warrants, for the purpose of improving the roads leading from West-Liberty, in Morgan county, to the Fleming county line, by the way of Gill's mill, in Bath county, and the road leading from West-Liberty, in Morgan county, to Mountsterling, by way of the Beaver Iron Works, in Bath county; which warrants shall be issued by the register of the land-office, in the same manner, and subject to be located in Morgan county, as is provided for the improvement of the road leading from Louisa in Lawrence county, by West-Liberty, to Beaver Iron works, by the sixth section of an act, entitled, an act for the improvement of said road, approved, January 24, 1827: and said commissioners hereby appointed, shall be governed, in all respects; in the improvement of said roads, and in regard to the disbursement of said land-warrants, and in every other thing in regard to their duty as commissioners, by the said act, as far as the same may be applicable.

SEC. 12. *Be it further enacted*, That William Lewis, Samuel Y. Dennis, and John Williams, of Morgan county, shall be appointed commissioners under this act, so far as the same relates to the roads mentioned in this and the preceding section.

SEC. 13. *Be it further enacted*, That the sum of three hundred dollars, in Kentucky land-office treasury warrants, be, and are hereby appropriated to the improvement of that part of the road leading from Elemingsburg to the Sandy Salt-works, beginning at Robert Plummer's, at the crossing of Force's creek, and intersecting the Sandy road at Joshua Knapps; and the register of the land office is directed to issue the same to Bustis Ringo, Joseph Ham, and Robert Million, who are hereby appointed commissioners to superintend the improvement of said road.

SEC. 14. And it shall be the duty of said commissioners, in the county court of Fleming, at their next February or April terms, to execute bond, with approved security, in the penalty of one thousand dol-

lars, for the faithful discharge of their duties; which bond shall be given to the Commonwealth, and may, from time to time, be put in suit for a breach of its conditions.

1831.

SEC. 15. The commissioners shall meet at the house of Joseph Ham, on the tenth day of April next, and proceed to make equal distribution of the land-warrants, and cause the proceeds thereof to be expended on said road, as they may think proper, and most beneficial to said road; they shall keep a record of their proceedings, and may meet at such times and place as may be necessary to a faithful discharge of their duties.

Their duty prescribed.

SEC. 16. The said commissioners may either make sale of said land-warrants, or employ persons to work on said road, paying them therefor, in land-warrants; they shall have power to assign the same to persons entitled thereto: and when surveys are made on said warrants, the register shall issue patents to the persons to whom they are assigned, as in other cases: *Provided, however,* that said warrants shall not be located in any other than the county of Fleming.

May sell, or assign, the warrants.

Patents to issue thereon.

To be located in Fleming county.

SEC. 17. That the county court of Fleming shall, at their next April term, lay off said road into precincts, and appoint surveyors in each, agreeably to the general laws now in force in relation to roads; and that it shall be the duty of the several surveyors on said road, to call out persons in their several precincts liable to work on roads, and cause them to labor at least six days in each year, should the surveyors on said road deem it necessary; and for a failure to do so, they shall be liable to a presentment and fine, as in other cases.

The road to be laid off into precincts; surveyors to be appointed, and hands allotted to work thereon.

SEC. 18. That as soon as said road is put in complete repair, the gate-keepers on the turnpike road from Mountsterling to Big Sandy, are hereby directed to pay over half-annually, one fifth of the nett profits of the gates on said road, to the commissioners appointed by this act, or their successors; which shall be, by them, laid out in the continued repair and improvement of that part of said road leading from Flemingsburg to the Little Sandy Salt-works, contemplated in the thirteenth section of this act.

To receive a part of the tolls received on the Mountsterling road, semi-annually, to be expended on said road.

SEC. 19. That the said commissioners shall receive fifty cents per day, each, for their services; and that whenever the office of either of them shall become vacant, by death, resignation, removal, or refu-

Pay to the commissioners, and mode of filling vacancies.

1831. sal to act, the county court of Fleming shall appoint a successor, and take bond as above directed.

Who-exempted
from tolls.

SEC. 20. That no person who labors on said road, shall be subject to the payment of toll, in passing the said turnpike gate; and it shall be the duty of the several surveyors, as soon as the said road is entitled to its proportion of toll, under the provisions of this act, to transmit to the keeper of said gate, a list of the hands that shall be assigned, by the county court, to work under them; and for failing to do so, shall be subject to a fine of ten dollars; which sum shall be recovered in the name and on behalf the gate-keeper, before any justice of the peace in the county of Fleming.

Register to is-
sue warrants,
upon bonds be-
ing executed.

SEC. 21. *Be it further enacted*, That the register of the land-office is hereby required to issue said land-warrants to the said commissioners for Fleming county, upon the production of the clerk's certificate that they have entered into bond, according to the provisions of this act.

5000 acres of
land granted to
Allen county,
in the name of
Mansfield.

SEC. 22. *Be it further enacted*, That the register of the land-office be, and he is hereby authorized to issue, in the name of George W. Mansfield, a warrant for five thousand acres of waste and unappropriated land, in the county of Allen; and that the plats and certificates of survey, made in virtue of said warrant, shall be registered as in other cases, without fee.

How to be ap-
propriated, and
applied.

SEC. 23. *Be it further enacted*, That the said George W. Mansfield be, and he is hereby authorized to sell and transfer, any part or the whole of the surveys made in virtue of said warrant, for money or labor, to be applied to the improvement of the Nashville road from the Barren county line to the Tennessee state line, under the direction and superintendence of the Allen county court.

CHAP. DCXCV.

AN ACT requiring tavern keepers, pedlars of clocks, and the owners and keepers of covering horses and jacks, to pay taxes in advance, and obtain license.

Approved, December 22, 1831.

Taxes on tav-
ern licenses to

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter no license shall be granted to any person to keep a tavern, at any

place within this Commonwealth, until such person shall pay, in advance, to the clerk granting such license, the sum of ten dollars.

1831.

be paid in advance.

SEC. 2. *Be it further enacted*, That no person shall hereafter, stand any covering horse or jack, until he has applied to the clerk of the county court of the county in which he shall wish to stand said horse or jack, and obtained from him a license, to stand said covering horse or jack; which said license the clerk is hereby authorized and required to grant, upon his paying, in advance, to said clerk, the sum for which said horse or jack covers one mare or jenny the season; and making oath, before said clerk, that the sum paid by him is the sum for which he will stand said horse or jack the season; and that he will not stand, or permit him to stand, for a greater sum the season: and if he intends to stand said covering horse or jack for property, in part or in whole, he shall further swear, that the sum paid by him, is the full value, in money, of the amount in property, or in property and money, for which he will stand said horse or jack; and that he will not stand, or permit him to stand, for a greater sum in value, the season.

Also, on stud horses, and jacks; and the amount thereof.

SEC. 3. The license required to be granted, in the foregoing sections, to tavern keepers, shall be for one year next succeeding the order of the county court granting such privilege; and shall specify the name of the individual to whom license is granted, and the time and place, when and where, he or she is authorized to keep said tavern: and the licenses granted to the owners or keepers of covering horses and jacks, shall be for one year next succeeding the granting of said license; and shall specify the time for which the owner or keeper shall be authorized to stand them, the sum for which he is authorized to stand them by the season, the name of the horse or jack, as well as the name of the individual to whom the privilege is granted.

Tavern licenses, &c. to be issued for one year, &c.

SEC. 4. *Be it further enacted*, That no pedlar or transient person, shall barter or sell any clock or clocks, in any county in this state, until he shall obtain a license to do so; which license the clerk of the county court is hereby authorized to grant for one year, upon his paying, in advance, to said clerk, the sum of ten dollars, as an annual tax on said license for selling clocks, in each county in this Commonwealth.

Pedlars of clocks to obtain license, and pay a tax in advance.

SEC. 5. *Be it further enacted*, That the clerk of the county court shall not charge any fee for granting

Compensation to the clerks of courts.

1831.

The taxes to be paid by them into the treasury, as other taxes collected by them.

the licenses mentioned in the foregoing sections; but shall be allowed the same per centum for receiving and paying over the same, and shall account for the same to the auditor of public accounts, at the same time, and in the same manner, as he is required to account for taxes received on deeds and seals, and in all things, shall be regulated by the laws now in force relative to the taxes on deeds and seals; in making out and reporting an account of the same upon oath, and paying over the same, and subject to the like regulations, fines, and penalties, for a failure thereof.

Penalty on tavern keepers, &c. for keeping tavern, standing a horse or jack, or selling clocks, without license.

How recovered and applied.

SEC. 6. *Be it further enacted*, That if any person shall, hereafter, keep a tavern or tipling house, at any place in this Commonwealth, without obtaining a license, as required in the foregoing section, he or she shall, in addition to the penalties now imposed by law, be subject to a fine of fifty dollars: and if any person shall, hereafter, stand a covering horse or jack, or being a pedlar or transient person, shall sell a clock or clocks, without obtaining a license, as required by the provisions of the foregoing sections, he or she shall be subject to a fine of ten dollars, and triple the amount of tax which he or she is required to pay; and the penalties hereby imposed, may be recovered by action of debt, in the name of the Commonwealth, before a justice of the peace, or by motion in the circuit court, ten days' notice being given of the intended motion, by the attorney of the county, or by the presentment of the grand jury.

Circuit courts to give this act in charge to grand juries.

County court clerks to return lists of tavern keepers, &c. to circuit courts.

County attorneys to prosecute for violations of this act, before justices of the peace.

Their compensation.

SEC. 7. *Be it further enacted*, That it shall be the duty of the circuit judge, to give this act in charge to the grand jury, and to cause the clerk to lay before said grand jury, at each term of their court, the names of all the persons to whom licenses have been granted under the provisions of the foregoing sections, the time for which licenses have been granted, the place where the tavern is to be kept, the names of the horses or jacks for which licenses have been granted, and the price of the season; which lists the grand jury shall examine, and make presentment of all persons who shall have been guilty of a violation of the provisions of this act: and it shall further be the duty of the county attorney, to attend to, and prosecute all persons guilty of a violation of the foregoing sections, before justices of the peace, and by motion before the circuit court; and he, as well as other persons suing for the same, shall be entitled to one half of the amount

recovered; and the amount which the Commonwealth is entitled to receive, as well as all fines imposed for violations of this act, shall be paid to the clerk of the county court, and he shall account for the same in the same manner that he is required to account for the taxes received upon granting the license; and is, also, required to make out lists and report the same to the court; and in all things, be governed by the laws prescribing his duties in said cases, and subject to the like penalties.

1831.

Penalties and fines—how to be recovered and applied.

SEC. 8. *Be it further enacted*, That the licenses herein required to be granted, shall be annually renewed, upon the payment, in advance, of the sums required to be paid in the foregoing sections, and pursuing the mode therein prescribed.

Licenses may be renewed annually.

SEC. 9. *Be it further enacted*, That all contracts for the sale of clocks, or for the season of covering horses or jacks, without license, as required in this act, shall be void.

Contracts made contrary to the provisions of this act, void.

SEC. 10. And the better to guard against frauds upon the revenue, it shall be the duty of the commissioners who take in the lists of taxable property as heretofore, to take in the lists of all taverns, covering horses, and jacks: *Provided*, that nothing herein contained, shall be so construed as to require those who have paid in advance and obtained license, to pay the second time; but those who have failed to pay in advance, may be required to pay as heretofore, if the penalties imposed by this act have not been collected. All laws coming within the purview of this act, are hereby repealed.

Commissioners of the tax to take in lists of tavern license, and stud horses, and jacks, as heretofore.

Proviso.

Repealing clause.

CHAP. DCXCVI.

AN ACT to change the place of voting in the Grace and Burnett precincts in Trigg county.

Approved, December 22, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Grace precinct in Trigg county, shall be, and the same is hereby enlarged, so as to embrace the territory within the following bounds, to-wit; beginning at the house of William Reed deceased; thence along the ridge dividing the waters of Cumberland and Little rivers to the house of John Areek; thence a straight line to the

1831.

Buffalo ford of Little river; thence north, to the Caldwell county line; thence with said line to the Tennessee river; thence up said river to the state line; thence with said line to a point opposite William Reed's old place; thence a straight line to the beginning: and that the place of voting in said precinct, shall hereafter be in the town of Canton, instead of the house of John Ferguson.

SEC. 2. *Be it further enacted*, That hereafter, elections shall be held at the Roaring spring, instead of Buford's spring, in the Burnett precinct in Trigg county.

CHAP. DCXCVII.

AN ACT to authorize the county court of Nicholas county, to permit John Allison, and others, to erect gates on a certain public road in said county.

Approved, December 22, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Nicholas county, shall have full power to permit the following persons, to-wit, John Allison, James B. Blain, Alexander Blain, and William Caldwell, or any one of them, to erect gates across the road leading from Morefield to William Caldwell's farm: *Provided*, the court shall be satisfied that said gates will be of no public inconvenience: *And, provided*, that the person so applying for gates, shall give public notice of the intention to apply to said court, by written advertisement, upon the court-house door, one month before they make application: *Provided, also*, that the said court shall have power to discontinue the same, at any time, when in their opinion, the good of the public requires it, by giving the owners of said gates one month's notice of their intention: *Provided*, the said gates shall be nine feet wide, in the clear.

CHAP. DCXCVIII.

AN ACT for the benefit of John Hart, of Caldwell county.

Approved, December 22, 1831.

WHEREAS, it is represented to this General Assembly, that John Hart of Caldwell county, is an aged

soldier of the revolution, and in indigent circumstances, with an only daughter living with him, and that he has settled upon a tract of poor, broken, vacant land in said county, supposed to contain one hundred and fifty acres: Therefore,

1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land-office be, and he is hereby authorized to issue a warrant, without charge, for one hundred and fifty acres of land, which shall express on its face, "*to include the actual settlement of the said John Hart;*" and upon a survey being returned thereon, issue a patent as in other cases: *Provided,* that said patent shall be inoperative if the same shall interfere with any prior survey or patent, so far as the same shall interfere with any such survey or patent.

CHAP. DCXCIX.

AN ACT for the benefit of the surveyor of Jefferson county.

Approved, December 22, 1831.

WHEREAS, it is represented to the present General Assembly, that at the session of 1823, the legislature passed a law directing the surveyor of Jefferson county, to transcribe certain old books, containing plats and certificates, into new ones, to be provided for that purpose; but failing to make any provision compensating said surveyor for said transcript of plats: Therefore,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That for each plat transcribed into said books, under the provisions of said act of 1823, the surveyor of Jefferson county shall be entitled to twelve and one-half cents, to be paid out of the public treasury, when properly certified, agreeably to the second section of an act, approved, January 5, 1824, entitled "an act to authorize the surveyor of Harlan and Jefferson counties to transcribe certain books in their offices: *Provided, however,* that before the said surveyor shall receive the compensation allowed to him by this act, he shall first deposit with the register of the land-office, in Frankfort, all of the original books and records which he was directed by the said act of 1823 to transcribe, and obtain the register's

Compensation allowed the surveyor for copying certain plats.

Proviso.

1831. receipt therefor, and deposit the same with the auditor of public accounts, who is, thereupon, required to issue his warrant on the treasurer, in favor of the surveyor of Jefferson county, for the amount so certified as aforesaid.

CHAP. DCC.

AN ACT for the relief of Thomas Mitchell, jailor of Lewis county, and Richard Oldham, jailor of Jefferson county.

Approved, December 22, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the acts of the said Thomas Mitchell, as jailor of Lewis county, from the first day of January, one thousand eight hundred and thirty one, until the first day of September next succeeding, shall be, and the same are hereby legalized, and shall entitle him to all fees and emoluments of office, as fully as if he had have executed bond with security, for the discharge of his official duties, as required by law.

Further time allowed the jailor of Lewis county to renew his official bond.

Further time to the jailor of Jefferson for same purpose.

Sec. 2. Be it further enacted, That Richard Oldham, jailor of Jefferson county, shall have the right, and privilege to renew his official bond as jailor of said county, at either the January or February term eighteen hundred and thirty-two, of the county court of Jefferson.

CHAP. DCCI.

AN ACT to improve certain roads in certain counties.

Approved, December 22, 1831.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land-office be, and he is hereby directed to issue three hundred dollars' worth of land-warrants, (without the state price being paid therefor,) in the names of William Heath, Samuel Tate, and William Hamilton, for the purpose of improving the road from Smith's ferry, on the Cumberland river, to the Tennessee state line, in the direction to Jacksborough; who are hereby appointed commissioners to locate and carry into grant the same, or sell the warrants and appropriate the proceeds thereof to the improvement of said road: and

Land-warrants appropriated to improve a road in Pulaski.

Commissioners appointed to receive the warrants, assign and sell them,

before they enter on the discharge of their duties as commissioners of said road, they shall enter into bond and security, in the penal sum of six hundred dollars, in the Pulaski county court, payable to the Commonwealth of Kentucky; which bond may be put in suit for every breach of its conditions.

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and superintend the road; and to give bond.

SEC. 2. *Be it further enacted*, That upon the assignment of any plat and certificate of survey, made by virtue of any of said warrants, the register shall issue a patent, without fee, in favor of the assignee, for the lands embraced in said survey: *Provided*, no survey shall be made, by virtue of any of said warrants, except in the county of Pulaski.

The register to issue patents on the surveys made thereon.

SEC. 3. *Be it further enacted*, That the county court shall have power to fill any vacancy in the board of commissioners, in case of death, resignation, or otherwise.

Vacancies of commissioners—how filled.

SEC. 4. *Be it further enacted*, That the commissioners aforesaid, and their successors in office, shall be entitled to seventy-five cents per day, for the time they may be necessarily engaged in the duties required by this act, on making satisfactory proof to the county court aforesaid; and shall be entitled to a credit for the same, in the settlement with said court.

Compensation to com'rs.

SEC. 5. *Be it further enacted*, That so soon as the aforesaid commissioners shall have entered into bond and security, in the county court aforesaid, in the penal sum of six hundred dollars, it shall be the duty of the clerk of the court aforesaid, to give his certificate, certifying the same to the register of the land-office, and he shall, thereupon, issue warrants to the amount of three hundred dollars' worth; the warrants not to exceed one hundred acres each.

Warrants to be issued to the commissioners.

SEC. 6. *Be it further enacted*, That the aforesaid commissioners shall have power to lay off said road into three precincts, and make such improvements as they believe the appropriation will justify; to hire hands to labor on said road, and to pay said hands with land-warrants or money, as they can make their contracts; but nothing in this act shall be so construed as to interfere with the jurisdiction of the county court of Pulaski, over said road, as heretofore.

The com'rs to lay off the road into precincts, and to hire hands to work thereon.

Proviso.

SEC. 7. *Be it further enacted*, That John Berry, Andrew Evans, and George Tye, be, and they are hereby appointed commissioners, to view and mark out a road, on the nearest and best ground, from White-oak creek, on the Tennessee state line, crossing

Com'rs appt'd to view a road in Whitley county towards Tennessee.

1831.

To make report
to Whitley
county court.

The power and
duty of said
court thereupon

\$500 in land-
warrants ap-
propriated to
opening said
road.

Patents to issue
on surveys ex-
ecuted by vir-
tue of said war-
rants.

Proviso.

Geo. Tye ap-
pointed a com-
missioner to re-
ceive and ap-
propriate said

the Pine mountain and Cumberland river, at the most suitable points, to intersect the Whitley turnpike road at or near John Welle's, on Lynn-camp creek; who shall, before they proceed, take an oath before some justice of the peace for Whitley county, to discharge the duty hereby required of them, faithfully and impartially, to the best of their skill and ability; whose duty it shall be, to make due enquiry of the tenants in possession, if they have any objection to the proposed road's being established; and if any objection is made, to report the same, under their hands and seals, to the Whitley county court; whose duty it shall be, to order a jury, under the general law, to ascertain the damages that would result to individuals by the establishment of said road; and upon the return of the jury, the court shall decide whether they will levy the damages on the county or not: the said reviewers to be paid out of the proceeds of the land-warrants appropriated to said road.

SEC. 8. *Be it further enacted*, That when said road shall be established, it shall be the duty of the Whitley county court to certify the same to the register of the land-office, whose duty it shall be, and he is hereby required to issue five hundred dollars' worth of land-warrants, in the name of George Tye; who shall, before he receives the land-warrants, enter into bond and security, in the penal sum of one thousand dollars, payable to the Commonwealth of Kentucky, conditioned to faithfully apply the proceeds of the land-warrants to the opening and improvement of said road, to be approved of by the Whitley county court.

SEC. 9. *Be it further enacted*, That upon the return of the plat and certificate of survey made by virtue of any of said warrants, to the register's office, it shall be his duty to issue a patent, without fee, in the name of the person entitled to the same, by virtue of any assignment, for the land embraced in said survey: *Provided*, that no survey shall be made, by virtue of any of said warrants, except on waste and unappropriated lands in the county of Whitley, south of Cumberland river; and west of Little Poplar, in Knox county.

SEC. 10. *Be it further enacted*, That George Tye is hereby appointed a commissioner, to superintend the opening and improvement of said road; whose duty it shall be, to apply the proceeds of the appropriation hereby made, either by sale of warrants, or appropri-

ating the land, to open the road from the state line, at White-oak creek, across the Pine mountain, to the mouth of the Trace branch on Big Poplar, and the improvement of the same.

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warrants on said road.

SEC. 11. *Be it further enacted*, That it shall be the duty of the Whitley county court, in case of the establishment of said road, to appoint overseers on the residue of the road, from the mouth of the Trace branch on Big Poplar, to its intersection with the Whitley turnpike road; and allot hands to open and keep up the same, as in other cases of opening of new roads: also, to allot all hands in South America, and its vicinity, to work at least four days each year, under George Tye.

The Whitley county court to lay off part of said road into precincts, appoint overseers, allot hands, &c.

SEC. 12. *Be it further enacted*, That it shall be the duty of the commissioners hereby appointed, to keep a just account of all the expenditures on said road, for labor or materials for the use of the road, and report the same to the Whitley county court for settlement, at least once a year; and upon settlement, it shall be lawful for said Tye to retain in his own hands, seventy-five cents per day, for each day he may have been actually on the business appertaining to the road: and in case of either of the commissioners failing to act, it shall be in the power of the Whitley county court, to appoint some fit person to fill such vacancy, a majority of the court being present.

Com'rs to settle with the county court.

Com'rs pay.

The county court may fill any vacancy in com'rs.

SEC. 13. *Be it further enacted*, That the register of the land-office be, and he is hereby authorized and required to issue land-warrants, in the name of the county court of Wayne, without fee therefor, for four thousand acres, to be appropriated within the said county of Wayne, or in the territory between Walker's line and latitude thirty-six degrees thirty minutes north, in the state of Tennessee, south of, and opposite Wayne county.

4000 acres of land granted to Wayne county.

Where to be located.

SEC. 14. *Be it further enacted*, That the county court of Wayne is hereby authorized to appoint an agent to sell said land-warrants, and assign them, and apply the proceeds; and when collected, to apply the same to improving the road from Monticello to the Wayne county line, in a direction to Jacksborough, Tennessee, by the way of Beaty's Salt-works; which agent, when appointed, shall enter into bond, with approved security, for the faithful performance of his duty, payable to the county court of Wayne.

The land, or the proceeds, to be applied to improving a road in said county.

The agent of the court to give bond, &c.

1831.

The register to
issue patents,
&c.

SEC. 15. *Be it further enacted*, That when any survey shall be made on the land-warrants hereby appropriated, and the same shall be returned to the register's office, the register shall register the same without fee therefor, and issue patents thereon without fee.

5000 acres of
land granted to
Barren county.

SEC. 16. *Be it further enacted*, That the register of the land-office be directed, and he is hereby required, to issue a land-warrant for five thousand acres, without the state price being paid, in the name of the county court of Barren, to be appropriated within the said county of Barren.

The land, or
the proceeds, to
be applied to
improving a
road in said
county.

SEC. 17. *Be it further enacted*, That the county court of Barren is hereby authorized to appoint an agent to sell said land-warrant, and assign it, and collect the proceeds; and when collected, to apply the same to improving the state road in said county, from the Hart county line to the Allen county line.

The register to
issue patents
for said land,
&c.

SEC. 18. *Be it further enacted*, That when any survey shall be made on the aforesaid land-warrant, hereby appropriated, and the same shall be returned to the register's office, the register shall register the same without fee, and issue patents thereon without fee.

CHAP. DCCII.

AN ACT to legalize the acts of John B. Cobb, a constable of Hart county, and for other purposes.

Approved, December 22, 1831.

Recital.

WHEREAS, it is represented to the General Assembly, that John B. Cobb, a constable of Hart county, and that Thomas Wells, a constable of said county, have, through mistake, not severally executed bonds for the faithful discharge of their several duties as constables in said county of Hart, agreeably to an act passed on the 22d day of January, 1810; but that the said John B. Cobb did, in the year 1829, execute bond, with security, conditioned as the law directs; in the county court of Hart; and that the said Thomas Wells did, in like manner, in said court, on the 14th day of March, 1831, execute bond, with security: and doubts are entertained as to the power and authority of the county court of Hart to accept said bonds, or either of them, and of the right of the said Cobb and Wells to act as constables in said county, by reason of their failures aforesaid: For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the acts and proceedings of the county court aforesaid, in taking and renewing the bonds of the said Wells and Cobb, shall be, and are hereby legalized and confirmed, and all the official acts of said Cobb and Wells, ratified and confirmed, in the same manner, and to the same extent, as if their said bonds had been duly executed agreeably to the provisions of the before recited act: *Provided, however,* that the said Cobb and Wells shall severally execute bonds, with sufficient security, for the faithful discharge of their respective duties, agreeably to the provisions of said act, in the said county court of Hart, on or before the first day of the next April term of said court: *And provided further,* that nothing in this act shall be construed to vacate or annul the bonds heretofore given by said Wells and Cobb; but the same shall, to all intents and purposes, have the same force and effect as if this act had not passed: *And provided further,* that if said Cobb and Wells, or either of them, shall fail to give a new bond, agreeably to the provisions of this act; then, as to them, or the one failing, as the case may be, this act shall have no effect whatever; nor shall they, or the one failing, be at liberty to plead or rely on its provisions, in any court whatever.

1831.

The proceedings of the Hart county court, in taking the official bonds of Cobb & Wells, legalized.

Proviso.

Further proviso

CHAP. DCCIII.

AN ACT for the benefit of Martha Burk.

Approved, December 22, 1831.

WHEREAS, it is represented to this legislature, that George Burk of Oldham county, departed this life in May, 1830, leaving his widow, Martha Burk, sole executrix of his last will and testament, with a request in said will, that the county court of Oldham should not require security, on granting her probate of said will: the said George also willed, that said executrix should pay all his just debts, and retain all the residue of his estate, both real and personal, during her life or widowhood; at the expiration of which, that it should be divided equally among his seven small children. It is further represented, that the whole of the personal estate has been exhausted in the payment of his debts, and that a considerable

Recital.

1831.

The circuit court of Oldham authorized to decree the sale of certain land of Geo. Burk dec'd, upon certain conditions.

amount of said debts remain unpaid: and that ninety one acres of land in Oldham county, on which said George resided, is all that remains of said estate: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for said Martha Burk to file her bill in equity, setting forth the probable amount of debts due from said estate, and other circumstances tending to manifest the necessity of the sale of said ninety-one acres of land, in the Oldham circuit court; to which bill she shall make the children or heirs of said George Burk, parties defendants; and the said court shall appoint a guardian *ad litem*, to defend for the heirs, or such of them as are under age: and on the coming in of the answer, or upon the bill and answer and depositions, the said circuit court is hereby vested with full power to decree a sale of said ninety-one acres of land: *Provided*, it shall appear to said court, that such sale will be for the benefit of the said children, or is necessary to pay the debts due on the estate.

Proceeds of sale—how to be disposed of.

SEC. 2. *Be it further enacted*, That on the court of chancery decreeing the sale of said land as aforesaid, it shall and may be lawful for said court to direct the proceeds of the sale to be paid over to the executrix of the said George Burk; to be applied, first, to the payment of his debts; and the balance, if any, to be held by her, agreeably to the provisions of the will of said George Burk: and it shall be the duty of said court, before the money is so decreed to be paid to the said executrix, to require her to give bond, with approved security, in the penalty of six hundred dollars, binding her to faithfully apply and hold the money, agreeably to the decree.

Surplus, after paying debts, to be laid out in purchasing land or other property.

SEC. 3. *Be it further enacted*, That if there should be a surplus, after paying the debts, it shall be lawful for the said circuit court, with the assent of said Martha Burk, to direct such balance to be laid out in the purchase of land, or such other property as will best suit the condition of the widow and family of said George Burk, in the opinion of said court; and the property so acquired, shall be held by the said Martha, in the same manner that she is authorized to hold the estate of said George Burk, under his will.

CHAP. DCCIV.

1831.

AN ACT to amend an act, to improve the road from Mountsterling to the Virginia line, approved, January 15, 1831; and for other purposes.

Approved, December 22, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Isaac Lykens, James Kash, and William Trimble, commissioners appointed by an act, approved, January 15, 1831, shall be, and they are hereby authorized to apply the balance of the appropriation, now in their hands, to the improvement of that part of the state road leading from Mountsterling to the Virginia line, which lies between the ford of Black water, and the first crossing of the middle fork of Licking river.

The balance of appropriation made to said road to be expended thereon.

SEC. 2. *Be it further enacted,* That the register of the land-office shall issue, in the name of the commissioners aforesaid, one hundred dollars' worth of land-warrants, of one hundred acres each, without the state price being paid thereon: and shall issue patents without fee, on surveys made by virtue of the aforesaid warrants: and the aforesaid commissioners shall apply the said warrants, or the proceeds thereof, to the improvement of said road, as provided for by the first section of this act; under the same rules, regulations, and restrictions, as are provided by the before recited act.

\$100 in land-warrants to be issued to said commissioners to be expended on said road.

SEC. 3. *Be it further enacted,* That the register of the land-office is hereby directed to issue, in the names of John Ross jr., and John Holland, land warrants to the amount of one hundred and fifty dollars, at the rate of five dollars per hundred acres; which shall be expended by them in improving the road from William Trimble's, on the state road in Morgan county, to the north fork of the Kentucky river, near the mouth of Holley creek, in Estill county: *Provided, however,* that said warrants shall be located in the counties of Morgan and Estill only; and that when said warrants shall be located, upon the returns of the plats and certificates to the register's office, the register is hereby directed to issue patents thereon, without fee therefor.

\$150 in land-warrants granted to be expended in the repair of a road in Morgan, and Estill.

To be located in Morgan and Estill counties.

SEC. 4. *Be it further enacted,* That the said John Ross and John Holland, shall be entitled to seventy-five cents per day, for each day they may be actually engaged in the management of said work, out of said warrants.

Allowance to commissioners.

1831.

CHAP. DCCV.

AN ACT to authorize John Riley and Jesse Thomas to build a mill dam on the middle fork of the Kentucky river.

Approved, December 22, 1831.

Authorized to build a dam across the middle fork of Ky. river.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That it shall be lawful for John Riley and Jesse Thomas, or their heirs or assigns, to build a dam at the shoal immediately below the mouth of Long's creek, on the middle fork of the Kentucky river, not exceeding three feet high, at the middle of the river, for the purpose of working a saw and grist mill, and any other water-works they may think proper to erect.

Dam may be abated, if injurious to navigation.

A slope to be made to the dam.

Provide.

SEC. 2. *Be it further enacted,* That the county court of Perry, shall have the power to cause said dam to be abated, at the expense of the owner of the mill, whenever it shall be proven to their satisfaction, that it is an obstruction to the navigation of the river; and that they may, at any time, cause the owner of said mill to build a slope to said dam, in such manner as shall be by them described; and a refusal on the part of the owner aforesaid, shall be sufficient cause for abatement of the dam: *Provided, however,* that the owner or occupier of said mill, shall have reasonable notice of the time of such intended motion.

CHAP. DCCVI.

AN ACT to amend the militia law.

Approved, December 22, 1831.

One company muster to be held in each year, at which the strength of the militia is to be taken.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter there shall be but one company muster in each year, which shall be in the month of April; and, at said muster, the commandants of companies shall take the strength of their respective companies: and all laws now in force requiring a company muster in the month of June, be, and the same is hereby repealed.

Fire-arms dispensed with, on parade, unless furnished by government.

SEC. 2. *Be it further enacted,* That from and after the passage of this act, the militia of this Commonwealth shall not be required to appear with fire-arms, upon parade, except when the same shall have been provided by the government.

SEC. 3. *Be it further enacted*, That the first section of an act to amend the militia law, approved, February 12, 1828, be, and the same is hereby repealed; and all powers vested in the regimental courts of assessment, previous to the passage of that act, be, and the same are hereby restored.

1831.

§ 1 of act of 1828, repealed.

SEC. 4. *Be it further enacted*, That it shall be the duty of the adjutant general of this Commonwealth, to furnish the blank annual returns, on or before the fifteenth day of February in each year; and the commandants of regiments shall furnish each captain, or other officer in command, of companies in regiments, with blank annual returns, on or before the fifteenth day of March in each year.

Adjutant General to furnish blank annual returns in February, to commandants of regiments.

And the commandants of regiments to captains.

SEC. 5. *Be it further enacted*, That hereafter, the regimental courts for the assessment of fines, shall be held on the first Monday in November annually.

Regimental courts, for the assessment of fines, to be held in November.

SEC. 6. *Be it further enacted*, That hereafter, when a court martial shall be called for the trial of militia officers, of any grade, and the president of said court shall not attend, the next highest officer in rank, who may be present, shall act as president of said board.

Who to preside on courts martial, for the trial of officers.

SEC. 7. *Be it further enacted*, That the following shall be the uniform and equipments of the officers of the militia hereinafter named, to be worn at all times when they are required by this act to attend militia duty: Every regimental field and staff officer, a blue dress coat and pantaloons, with metal buttons, boots, spurs, a round black hat, black cockade, white plume tipped with red, small-sword or hanger, and red sash; captains and subaltern officers, a blue dress coat and pantaloons, with metal buttons, half boots or Monroe shoes, a round black hat, black cockade, small-sword or hanger; and the captains with white plumes tipped with red, and the subalterns red plumes, and each a red sash: *Provided*, that nothing herein contained shall prevent any officer now having uniform under the provisions of the laws now in force, to appear in them, while such uniform shall last.

Uniform of officers prescribed.

1831.

CHAP. DCCVII.

AN ACT authorizing Polly W. Johnson to sell certain real estate.

Approved, December 22, 1831.

Recital.

WHEREAS, it is represented to the General Assembly, that Benjamin Johnson, late of Mississippi, departed this life considerably in debt, leaving Polly W. Johnson, his widow, and several children, minors, now residing in the county of Scott; that among other real estate, he owned a house and lot in the town of Russellville, measurably unproductive, and fast going into decay; and the widow and administrator have petitioned the legislature to sell the same, and appropriate the money in the payment of the debts of the deceased: Therefore,

The circuit court of Scott may decree a sale of certain real estate of the deceased, for payment of debts.

Administratrix to give bond and security.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the said Polly W. Johnson to file her bill or petition, in the Scott circuit court, to which she shall make the children and heirs of said Benjamin Johnson a party, and the circuit court of Scott shall appoint a guardian *ad litem*, for the said heirs, who shall answer for said heirs; and if the said circuit court shall, upon the whole case, be of opinion that it will be beneficial for the heirs of said Johnson; that the property aforesaid shall be sold, to decree a sale, upon such terms as the court may prescribe: the said court requiring and taking bond, with approved security, from the said Polly W. Johnson, to appropriate the proceeds of the sale, agreeably to the decree of said court.

CHAP. DCCVIII.

AN ACT to add one justice of the peace and constable to Harlan county, and for other purposes.

Approved, December 22, 1831.

Additional justice and constable allowed to Harlan.

To Woodford.

Constable to Barren.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be allowed one justice of the peace and constable in the county of Harlan, in addition to the number now allowed by law to said county; and that an additional justice of the peace and constable be allowed to the county of Woodford; also, an additional constable to the county of Barren, to reside in the town of Glasgow.

CHAP. DCCIX.

1831.

AN ACT to change the place of voting in an election precinct in Monroe county.

Approved, December 22, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in an election precinct in Monroe county be, and the same is hereby changed from the house of William Bush to the house of James Flippin, in said precinct.

CHAP. DCCX.

AN ACT to amend the act incorporating the Lexington and Ohio Rail-Road Company.

Approved, December 22, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the Lexington and Ohio rail-road company, to commence the business of transportation, on their rail-road, whenever any part is completed; any thing in their act of incorporation to the contrary notwithstanding.

The business of transportation may be commenced whenever any part of the road is completed.

SEC. 2. *Be it further enacted,* That they shall be, and are hereby permitted to charge for the transportation of passengers, a distance of three miles and under, twelve and a half cents for each passenger; and for the transportation of produce and merchandize, and other articles paying by weight; when the distance is under five miles, they may charge the same compensation as though they transported five miles.

Rates of toll for transporting passengers and property.

CHAP. DCCXI.

AN ACT to legalize the proceedings of the Whitley county court, held in April, 1830.

Approved, December 22, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the county court of Whitley county, held in April, 1830, be, and the same are hereby declared as valid as if the same had been held on the day prescribed by law; and the proceedings are hereby declared legal and binding.

1831.

CHAP. DCCXII.

AN ACT to incorporate the Green River Rail-Road Company.

Approved, December 22, 1831.

Commissioners
appointed to re-
ceive subscrip-
tions for stock.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Robert Bigham, John E. Throckmorton, A. Harpending, D. W. M'Goodwin, E. Shepardson, John P. Campbell, Geo. Ward, Otway Wilkinson, John H. Phelps, Abraham Stites, Strother Jones Hawkins, B. Shackelford, D. S. Hayes, W. H. Tegarden, John D. Patton, David Glass, R. Roland, William Greenfield, John Gray, Samuel H. Curd, John M. Shirley, Thomas M. Smith, Samuel Wilson, and William Sands, be, and they are hereby appointed commissioners, under the directions of a majority of whom, subscriptions may be received, to the capital stock of the Green River Rail-Road Company, hereby incorporated; and they, or a majority of them, may have books opened, at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice, of the times and places of opening the same, as they may deem proper: and after the first opening of said books, they shall be kept open for at least five successive days, from ten o'clock A. M. until two o'clock P. M.; and if at the expiration of that period, such a subscription to the capital stock of said company, as is deemed necessary to its incorporation, shall not have been obtained, the said commissioners, or a majority of them, may cause the said books to be opened, from time to time, after the expiration of said five days, for the space of twelve months thereafter, or till the sum necessary to the incorporation of said company shall be subscribed: if sooner subscribed, and if any of the commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved upon them by this act, another may be appointed in his stead, by the remaining commissioners, or a majority of them.

Notice to be
given of the
time and place
of receiving
subscriptions.

Books may be
kept open for
12 months.

Vacancies may
be filled by the
commissioners.

Amount of cap-
ital stock.

Company in-
corporated
when 2000

SEC. 2. *Be it further enacted,* That the capital stock of said Green River Rail-Road Company shall be one million of dollars, in shares of one hundred dollars each; which may be subscribed for by any individual or coporation: and as soon as two thousand shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be, and

they are hereby declared to be, incorporated into a company, by the name of the Green River Rail-Road Company; and by that name shall be capable, in law, of purchasing, holding, selling, leasing, and conveying, real estate, not exceeding two thousand five hundred acres, and personal and mixed estate so far as the same shall be deemed necessary for the purposes hereinafter named, and not further; and shall have perpetual succession: and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter and renew at their pleasure; and shall have and enjoy, and may exercise all the powers, rights, and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this act.

Sec. 3. *Be it further enacted*, That if more than ten thousand shares shall be subscribed to the capital stock of said company, the commissioners, or a majority of them, shall reduce, by striking off from the largest number of shares, in succession, until the subscriptions are reduced to ten thousand shares.

Sec. 4. *Be it further enacted*, That at every such subscription, there shall be paid, at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscription, either in money, or a note negotiable and payable at some bank at sixty days' date, or longer, at the option of said commissioners, or their agents, one dollar on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times, as may be required by the president and directors of said company: *Provided*, no payment shall be demanded until at least thirty days' notice shall have been given of such demand, by the said president and directors; nor shall more than twenty-five per cent. of each share of stock, be called for in any one year; but if the exigencies of the company should require the payment of the stock to be made more rapidly than is provided for herein, or should the president and directors, or a majority of the whole number elected, consider it expedient, for the purpose of aiding the stockholders, or hastening the contemplated road, it shall be lawful for them to borrow, on the credit of said company, a sum of money not exceeding three thousand dollars: and if any subscriber shall fail or neglect to pay any instalment, or part of said subscription, demanded according to the provisions of this section, for the space of sixty days,

1831.

shares are subscribed; and style thereof.

General corporate powers.

The amount of subscriptions may be reduced if more than 10,000 shares are subscribed.

Calls on the stock—when and in what proportions may be made.

Notice thereof to be given.

Not more than 25 per ct. to be called in any one year.

Company authorized to borrow money.

1831.

Stock may be forfeited for a failure to pay the calls.

next after the time the same shall be due and payable, the stock on which it is demanded shall be forfeited to the company, and may be sold by the president and directors for the benefit of the company; but the president and directors, by a majority of the whole board, may remit any such forfeiture, on such terms as they shall deem proper.

If a sufficient subscription is not made in 3 years, the charter to be void.

SEC. 5. *Be it further enacted*, That if the subscription herein made necessary to the incorporation of said company, shall not be obtained within three years after the first opening of subscription books, by the said commissioners, this act, and all the subscriptions under it, shall be null and void: and the said commissioners, after discharging the expenses of opening the books, shall return the residue of the money, paid in upon such subscriptions, to the several subscribers, in proportion to the sums respectively paid by them.

And the money paid to be returned to the subscribers.

First general meeting of subscribers.

SEC. 6. *Be it further enacted*, That at the expiration of the five days, for which the books are first opened, if two thousand shares of capital stock shall have been subscribed, or if not, as soon thereafter as the same shall be subscribed, if within three years after the first opening of the books, the said commissioners, or a majority of them, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days' public notice thereof, and at such meeting the said commissioners shall lay the subscription books before the subscribers then and there present; and, thereupon, the said subscribers, or a majority of them, then present, shall, from among the stockholders, elect twelve directors, by ballot, to manage the affairs of said company: and those twelve directors, or a majority of them, shall have the power to elect a president of said company, either from among the directors, or any other stockholder; and of allowing him such compensation for his services as they may deem proper: and that in said election, and on all other occasions wherein a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by him, or her; and every stockholder may, in writing, depute any other person to vote and act for it, him, or her, as its, his, or her, proxy: and the commissioners aforesaid, or any three or more of them, shall be judges of the said first election of directors.

Notice thereof to be given.

A president and twelve directors to be chosen.

Compensation to the president.

Mode of voting stock.

Sec. 7. *Be it further enacted,* That, to continue the succession of the president and directors of said company, twelve directors shall be chosen annually, on the first Monday in May in every year, in the town of Hopkinsville, by the stockholders of said company: and that the directors of said company, or a majority of them, shall have power to appoint judges of all elections; and to elect a president of said company, either from among the directors, or any other stockholder, and to allow him such compensation for his services as they may deem proper: and if any vacancy shall occur, by death, resignation, or refusal to act, of any president or director, before the year for which he was elected has expired, a person to fill such vacant place, for the residue of the year, shall be appointed by the president and directors of said company, or a majority of them: and that the president and directors of the company shall hold and exercise their offices until a new election of president and directors; and that all elections which are by this act, or the by-laws of said company, to be made on a particular day, or at a particular time, if not made on such day, or such time, may be made at any time within thirty days thereafter:

Sec. 8. *Be it further enacted,* That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings, by the president and directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed; upon giving thirty days' notice of the time of holding the same, which shall be at some place in Hopkinsville, named in the advertisement; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call; and if, at any such called meetings, a majority (in value,) of the stockholders of said company are not present, in person, or by proxy, such meeting shall be adjourned, from day to day, without transacting any business, for any time not exceeding three days; and if, within said three days, stockholders having a majority (in value,) of the stock subscribed, do not thus attend, such meeting shall be dissolved.

Sec. 9. *Be it further enacted,* That at the regular annual meetings of the stockholders of said company, it shall be the duty of the president and directors, in office for the preceding year, to exhibit a clear and dis-

1831.

President and directors to be elected annually.

Mode of conducting elections.

Vacancies—how filled.

President and directors to continue in office until a new election is held.

General meetings of stockholders may be called.

Notice thereof to be given.

A majority (in value,) of the stockholders to constitute a quorum for business.

Annual statements to be made to the company.

1831.

Statements
may be requir-
ed at the called
meetings.

The president
and directors
may be remov-
ed from office.

To take an
oath of office.

Books of sub-
scription may
be re-opened.

Or the stock
unsubscribed
may be sold.

The president
and directors
authorized to
appoint their
officers.

May remove
them from of-
fice; fix their
compensation,
&c.

May erect
buildings and
workshops.

tinct statement of the affairs of the company: that at any called meeting of the stockholders, a majority (in value,) of the whole stock subscribed being present, or a majority (in value,) of the attending stockholders, may require similar statements from the president and directors; whose duty it shall be to furnish them when thus required: and that at all general meetings of the stockholders, in said company, may remove from office the president, or any of the directors of said company, and fill up the vacancies thus created, in the same way and to the same extent, that they could do at their stated annual meetings.

SEC. 10. *Be it further enacted*, That the president and directors of said company, before he acts as such, shall swear or affirm, as the case may be, that he will well and truly discharge the duties of said office, to the best of his skill and judgment.

SEC. 11. *Be it further enacted*, That if any of the stock, created by virtue of this act, shall remain unsubscribed until after the election of the president and directors, as provided for in the sixth section of this act, the said president or directors, or a majority of them, shall have power to open books, and receive subscriptions to any of the capital stock of said company, which may remain unsubscribed for; or to sell or dispose of such unsubscribed stock, for the benefit of the company, for any sum not under its par value; and the purchasers or subscribers of said stock, shall have all the rights, powers, and privileges, of original subscribers, and shall be subject to the same regulations.

SEC. 12. *Be it further enacted*, That the said president and directors, or a majority of them, may appoint all such officers, agents, engineers, or servants, whatsoever, as they may deem necessary for the transaction of the business of the company, and they may remove any of them at their pleasure; that they, or a majority of them, shall have power to determine, by contract, the compensation of all the officers, agents, engineers, servants, or others, in the employ of said company, and to regulate, by their by-laws, the manner of adjusting and settling all accounts against the company; that they, or a majority of them, shall have power to erect buildings for the safe-keeping of articles intrusted with them for transportation, and for workshops necessary for the business of the company; that they, or a majority of them, shall have power to direct the manner, and by what evidence, stock in said company may

be transferred, and to pass all by-laws which they may deem necessary and proper, for exercising all the powers vested in the company hereby incorporated, and for carrying the objects of this act into effect: *Provided, only*, that such by-laws shall not be contrary to the laws of the United States, or to the laws of this state.

1831.

May pass by-laws for the government of their affairs, officers, &c.

SEC. 13. *Be it further enacted*, That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the president and directors of said company, or a majority of them, from time to time, to increase the capital stock, by the addition of as many shares as they may deem necessary, not exceeding in amount, two million of dollars, for which they may, at their option, cause subscriptions to be raised, giving notice in the manner herein before prescribed, or may sell the same for the benefit of the company, for any sum not under their par value.

The capital stock may be increased.

Notice, for the additional subscriptions, to be given.

SEC. 14. *Be it further enacted*, That the president and directors of said company, shall be, and they are hereby invested with all powers and rights, necessary and proper for the construction and repair of a railroad, from some point on the Ohio river, in Livingston county, to be established through the counties of Livingston, Caldwell, Trigg, (if most practicable,) Christian, and Todd, and to the town of Russellville. The route to be by them selected and determined, not exceeding sixty-six feet wide, with as many set of tracks as the president and directors may deem necessary; and that they may cause to be made, with others, a contract for making said rail-road, or any part of it; and they, their agents, or those with whom they may contract, for making any part of the same, or their agents, may enter upon, and use, and excavate, any land which may be wanted for the site of said road, or the erection of ware-houses, or other works necessary to said road, or for any other purpose necessary or useful in the construction or repair of said road, or its works; and that they may build bridges, provided the same do not obstruct the navigation on navigable streams; may fix scales and weights, may lay rails, may take and use any earth, timber, gravel, stone, or other materials which may be wanted for the construction or repair of said road, or any part of its works whatever, which may be necessary and expedient, in order to the proper completion of said road.

Particular powers and rights granted to the company, and the route of the proposed road.

1831.

Land may be
condemned for
the route of the
road, &c.

Mode of pro-
ceeding therein
prescribed.

SEC. 15. *Be it further enacted*, That the president and directors of said company, or a majority of them, or any person or persons authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, gravel, or stone, or any other materials, or any improvements which may be wanted for the construction or repair of any of said roads, or any of their works, for the purchase, or use and occupation of the same; and if they cannot agree, and if the owner or owners, or any of them, be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, when such lands and materials may be wanted, application may be made to any justice of the peace of such county, who shall, thereupon, issue his warrant, under his hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants, not related, or in any wise interested, to meet on the land, or near to the other property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if at said time and place, any of said jurors summoned do not attend, the said sheriff shall immediately summon as many jurors as may be necessary, with the jurors in attendance, and from them, each party, or its, his, her, or their agent, if either be not present in person, or by agent, the sheriff, for him, her, or it, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said sheriff shall administer to each of them an oath, or affirmation, as the case may be, that he will justly and impartially value the damages which the owner or owners shall sustain, by the use or occupation of the same, required by the company: and the jury, in estimating such damages, shall take into the estimate, the benefits resulting to the said owner or owners, from conducting said road through, along, or near the property of said owner or owners, but only in extinguishment of the claim for damages; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by said sheriff, to the clerk of his county, and by such clerk filed in his office, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary, be shown; and when confirmed, shall be recorded by said clerk, at the expense of said company; but if set aside, the court

may direct another inquisition to be taken, in the same manner above prescribed, and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity of duration of the interest in the same, valued for the company; and such valuation, when paid or tendered to the owner or owners of said property, or his, her, or their legal representatives, shall entitle the said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same; and the valuation, if not received, when tendered, may, at any time thereafter, be received from the company, without costs by the said owner or owners, his, her, or their legal representative or representatives.

Company to pay any damages assessed.

SEC. 16. *Be it further enacted*, That whenever, in the construction of said road or roads, it shall be necessary to cross or intersect any established road or way, it shall be the duty of said president and directors of said company, so to construct the said road, across such established road or way, as not to impede the passage or transportation of persons or property, along the same; or when it shall be necessary to pass through the land of any individual, it shall, also, be their duty to provide for such individual, proper wagon-way across said road or roads, from one part of his land to the other.

The road to be so constructed as not to interfere with any public road, &c.

Wagon ways to be provided across said road.

SEC. 17. *Be it further enacted*, That if the said company shall neglect to provide proper wagon-ways across said road, as required by the sixteenth section of this act, it shall be lawful for any individual to sue said company, and be entitled to such damages as a jury may think him or her entitled to, for such neglect or refusal on the part of said company.

Liable to suit for damages for failing to provide such wagon-ways.

SEC. 18. *Be it further enacted*, That whenever it shall be necessary for said company to have, use, or occupy any lands, materials, or other property, in order to the construction or repair of any part of said road or roads, or their works or necessary buildings, the president and directors of said company, or their agents, or those contracting with them, for working or repairing the same, may immediately take and use the same, they having first caused the property wanted, to be viewed by a jury, (formed in the same manner herein before prescribed, in those cases when the property is to be changed or altered, by admixture with other substances, before such alteration is made,) and

The company may condemn lands, buildings and materials, &c.

1831.

Mode of proceeding therein.

that it shall not be necessary, after such view, in order to the use or occupation of the same, to wait the issue of the proceedings upon such view; and the inquest of the jury, after payment or tender of the valuation, shall be a bar to all actions for taking or using such property, whether commenced before or after such confirmation, or the payment of said valuation.

May purchase machines, wagons, carriages, &c. for transportation.

Rates of toll allowed for transporting passengers, and merchandize, &c.

No other company or persons permitted to use said railway.

SEC. 19. *Be it further enacted*, That the said president and directors shall have power to purchase, with the funds of said company, and place on any rail-road, constructed by them under this act, all machines, wagons, vehicles, or carriages of any description whatever, which they may deem necessary or proper, for the purposes of transportation on said road; and that they shall have power to charge for tolls, and the transportations of persons, goods, produce, merchandize, and property of any kind whatsoever, transported by them along said rail-way, any sum not exceeding the following rates, to-wit: on all goods, produce, merchandize, or property of any description whatsoever, transported by them on said rail-way, it shall be lawful for them to charge, for every hundred pounds transported sixty miles or upwards, two and a half mills per hundred pounds' weight, for each mile; for every hundred' pounds weight, transported over twenty miles and under sixty miles, three mills for each mile the same may be transported; for every hundred pounds' weight transported a distance not exceeding twenty miles, three and a half mills for each mile the same may be transported; and for transportation of passengers, five cents per mile for each passenger; silver and gold bullion, money of all descriptions, and mails, are excepted from the rates herein mentioned and established, and for which the president and directors, or a majority of them, or their agents, shall be, and they are hereby authorized to contract especially for their transportation, upon such terms as the parties interested may agree upon: and it shall not be lawful for any other company, or any person or persons whatsoever, to travel upon or use any of the roads of said company, or to transport persons or merchandize, or property of any description whatsoever, along said roads, or any of them, without the license or permission of the president and directors of said company; and that the said road or roads, with all their works, improvements, or profits, and all the machinery for transportation, used on said rail-road or roads, are hereby vested in

said company incorporated by this act, and their successors forever; and the shares of the capital stock, and all the estate, real and personal, belonging or appertaining thereto, shall be exempt from the imposition of taxes, by the Commonwealth of Kentucky, for the term and space of twenty-five years from the passage of this act, and shall never be taxed beyond the rate of tax imposed upon real estate in this Commonwealth, estimated upon the original costs for the execution and corporation of the proposed works; nor will the legislature of this Commonwealth, for the space of twenty-five years from the passage of this act, authorize any other rail-road to be laid down, on a parallel line with the one located by this company, approaching nearer than twenty miles; but nothing contained in this act, shall be so construed as to prohibit the laying down another rail-way, diverging from that laid down by the company herein incorporated, provided it does not approach at an angle more acute than fifteen degrees: *Provided*, that nothing in this act contained, shall be so construed as to prohibit the erection of a rail-way or M^d Adamized way, from Russellville to Clarksville, or to any point on the Cumberland river.

SEC. 20. *Be it further enacted*, That the said president and directors of the Green river rail-road company, or a majority of them, shall be, and they are hereby authorized to subscribe, in their corporate capacity, for stock in any turnpike or rail-road company, chartered for the purpose of connecting such road with that made by this company, upon the same conditions and with the same privileges that is given to other stockholders, and to pay for the same out of the joint or common funds of this company.

SEC. 21. *Be it further enacted*, That the said president and directors shall annually, or semi-annually, declare and make such dividend as they may deem proper, of the nett profits arising from the resources of said company, after deducting the necessary current and probable contingent expenses; and that they shall divide the same amongst the stockholders of said company, in proportion to their respective shares.

SEC. 22. *Be it further enacted*, That if any person or persons, shall wilfully, by any means whatsoever, injure, impair, or destroy, any part of any rail-road constructed for said company, under this act, or any of their necessary works, buildings, carriages, vehi-

1831.

Stock exempted from taxation for 25 years.

And not then to be taxed higher than other property.

No parallel rail way to be laid down within 20 miles for 25 years.

Diverging rail ways may be authorized.

Proviso.

President and directors may subscribe for stock in other companies, &c.

Dividends of profits to be declared and paid.

Penalty for injuring or destroying any part of the rail road.

1831.

cles, or machinery, of said company, such person or persons so offending, shall, each of them, for every such offence, forfeit and pay the said company, a sum not exceeding five hundred dollars, which may be recovered in the name of said company, by an action of debt, in the circuit court of the county wherein the offence shall be committed; and shall, also, be subject to indictment in said court, and upon conviction of such offence, shall be imprisoned not less than six months, nor more than four years, in the discretion of the jury.

Period limited for commencing and completing the road.

SEC. 23. *Be it further enacted*, That if the said rail-road shall not be commenced within five years from the first day of May next ensuing the passage of this act, and shall not be finished in fifteen years from the time of the commencement thereof, then this act shall be null and void.

Privilege of incorporating companies to connect other rail roads with this, reserved to the state.

SEC. 24. *Be it further enacted*, That full right and privilege is hereby reserved to the citizens of this state, or any company hereafter to be incorporated, under the authority of this state, to connect with the road hereby provided for, any other rail-road, leading from the main route, and diverging therefrom at an angle of twenty degrees or more, to any part or parts of the state: *Provided*, that in forming such connection, no injury be done to the works of the company hereby incorporated.

Proviso.

Government of U. S. may hold stock in the company.

SEC. 25. *Be it further enacted*, That the government of the United States shall be, and they are hereby permitted, to hold stock in the corporation created by this act, upon the same terms, on the same conditions, and subject to the same restrictions that other stockholders are: *Provided*, the amount subscribed shall not exceed one fourth of the whole amount of the capital stock.

Proviso.

When 5 miles of the road is completed, tolls may be demanded, &c.

SEC. 26. *Be it further enacted*, That so soon as the company have completed five miles of their route, they may commence and prosecute their business, upon the terms, and upon the stipulations herein provided for, as though the whole work was completed.

CHAP. DCCXIII.

1831.

AN ACT for the benefit of John D. Hay.

Approved, December 22, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the president and directors of the Bank of Kentucky, are hereby authorized and directed to pay to John D. Hay, out of the state's dividend of stock, when the next dividend shall be struck, a sum equal to the state's proportion of thirty-one hundred dollars, to be computed by the state's proportion of stock in said institution; said sum in notes on the Bank of Kentucky, having been burnt while belonging to said Hay: which sum, when received, is in full of all claim which said Hay may have upon the state of Kentucky, or upon said bank, for the state's proportion of all notes upon said bank, held by him, and destroyed as aforesaid.

CHAP. DCCXIV.

AN ACT for the benefit of Transylvania University.

Approved, December 22, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the acting executor of the late colonel James Morrison deceased, to pass to the trustees of Transylvania University, the residue of the estate of the said Morison, remaining in his hands unadministered, and not conveyed, without requiring of the said trustees, any bond or security, to indemnify the said executor against outstanding debts, that may come against the estate, or against contingent devisees that may become payable under the will of said Morrison.

The executor of J. Morrison authorized to pass the residue of his estate to said institution, without requiring bond of the trustees.

SEC. 2. *Be it further enacted,* That said executor shall not be held guilty of a *devastavit* of the said estate, by reason of his paying or conveying the same to the trustees of Transylvania University; nor shall he be, thereafter, responsible in any wise, to the contingent or conditional devisees of the said Morrison, or to creditors; but in all such cases, the creditors and others, shall and may proceed, by appropriate suit or action, to recover what they may be respectively entitled to, out of the estate aforesaid, of and from the trustees of Transylvania University, in their corporate character.

The creditors, and others, may hold the institution bound for their claims on said Morrison's estate.

1831.

The estate—
how to be ap-
propriated, &c.

SEC. 3. *Be it further enacted,* That the fund or estate thus acquired by the trustees of Transylvania University, or any part thereof, may be by them so appropriated as to perpetuate the Morrison-Hall, by building, keeping in repair, enlarging, or rebuilding the same, in the event that it should be destroyed.

Trustees T. U.
not bound for
fees on criminal
prosecutions.

SEC. 4. *Be it further enacted,* That hereafter, the trustees of Transylvania University shall not be liable to constables or other officers, for their fees, in any prosecution carried on in the name of the Commonwealth.

CHAP. DCCXV.

AN ACT to amend the laws regulating the appointment and duties of the trustees of Stephensport, in the county of Breckinridge.

Approved, December 22, 1831.

County court
may appoint
trustees.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Breckinridge county shall be, and are hereby authorized and required to appoint, annually, five trustees for the town of Stephensport, in the county of Breckinridge, at their March term in each year; which trustees shall hold their offices for one year, and until their successors shall be appointed: and said trustees and their successors, shall be vested with the legal title of the lots in said town, which have not been conveyed to the purchasers, or which have not been sold; and are authorized and required to convey the same to the several purchasers, on the order of the proprietor or proprietors: and should the county court of Breckinridge fail to appoint trustees for said town, at their March term in any year, they are hereby authorized to make the appointment at the next or any subsequent term; and a majority of said trustees are vested with full power to perform all the duties required by law, of the trustees of Stephensport.

Powers of trustees to extend to additions to the town.

SEC. 2. *Be it further enacted,* That the powers and duties of the trustees of Stephensport, shall extend to any additions and enlargements which have been, or shall be made by the proprietor or proprietors of said town, to the same.

CHAP. DCCXVI.

1831.

AN ACT to alter the time of holding the Mercer and Anderson circuit courts.

Approved, December 22, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Mercer circuit court shall, hereafter, sit on the last Mondays in March, first Mondays in July, and last Mondays in September, in each year; and may continue to sit eighteen juridical days, at the spring and fall terms of said court, and twelve days at the July term. Mercer.

SEC. 2. *Be it further enacted,* That all process issued and made returnable to the next April term of said court, shall be considered as returnable to the March term, as herein directed to be holden.

SEC. 3. *Be it further enacted,* That the September term of the Anderson circuit court, shall, hereafter, commence on the second Monday of said month, and may continue to sit twelve juridical days, if the business should require it. Anderson.

CHAP. DCCXVII.

AN ACT creating an election precinct in Franklin county.

Approved, December 22, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Franklin county, included in the following bounds, to-wit: beginning at the mouth of Flat-creek, on the Kentucky river, and running with the Franklin and Henry line, to the Shelby county line, to William Kyles'; thence a straight line to the mouth of Stony creek; thence down the Kentucky river to the mouth of Elkhorn; thence up Elkhorn to where the road from Frankfort to Owenton crosses the same; thence to the Franklin and Owen line, so as to include William Webb; thence with the Franklin and Owen line to the Kentucky river; thence up the Kentucky river to the beginning, shall be, and the same is hereby erected into an election precinct in the said county of Franklin, and that the qualified voters in said precinct do meet at Weights' ware-house in said precinct, for the purpose of voting in all legal elections. Bounds of the precinct.

1831.

Judges to be
appointed.

SEC. 2. *Be it further enacted,* That the county court of Franklin, at the time they appoint a clerk and judges to the election to be held at their court-house, shall appoint a clerk and judges to preside at the election to be held at the precinct in said county; and it shall be the duty of the sheriff of said county, to attend, by himself or deputy, and conduct the elections to be held in said precinct; which elections shall be governed by the same rules and regulations as are now prescribed by law.

Polls compar-
ed.

SEC. 3. *Be it further enacted,* That the sheriff who presides at the elections to be held in said precinct, shall meet the sheriff who presides at the elections to be held at the court-house in said county, on the fifth day after the commencement of said elections, at the court-house in said county, and compare the polls, and make return agreeably to the constitution and laws of this state.

CHAP. DCCXVIII

AN ACT to improve the road from Salem to the mouth of Cumberland river.

Approved, December 22, 1831.

Land-warrants
given to im-
prove the road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the land-office be, and he is hereby required to issue to the county court of Livingston county, three hundred dollars' worth of land-warrants, of fifty acres each, to be laid upon any vacant and unappropriated land in said county; which said warrants, or the proceeds thereof, the said county court shall apply to the improving said road from Salem to the mouth of Cumberland river, and to grading and improving Dyers' hill, on said road; and the register is hereby required to issue patents thereon, without fee; and the said county court shall appoint some fit and proper person to superintend and direct the improving of said road: and said county court may appoint its clerk to assign the said warrants, or any of them, to such person as it may direct.

CHAP. DCCXIX.

1831.

AN ACT to fix the ratio and apportion the representation for the ensuing four years.

Approved, December 22, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the ratio for the ensuing four years, shall be nine hundred and fifty-four voters for each representative; and the representation for that period shall be, and the same is hereby apportioned among the several counties in this Commonwealth, for the House of Representatives, in the following manner, to-wit: the county of Adair shall be entitled to one representative, Allen one, Anderson one, Bourbon two, Bracken one, Bullitt one, Bath one, Barren two, Breckinridge and Hancock one, Boone one, Butler and Edmundson one, Campbell two, Caldwell one, Cumberland one, Christian two, Clarke two, Clay and Harlan one, Calloway and M'Cracken one, Casey one, Daviess one, Estill and Perry one, Fleming two, Franklin one, Fayette three, Floyd and Pike one, Garrard one, Green two, Greenup one, Gallatin one, Graves and Hickman one, Grant and Pendleton one, Grayson one, Harrison two, Hardin and Meade three, Hart one, Hopkins one, Henderson one, Henry two, Jefferson two, City of Louisville two, Jessamine one, Knox and Whitley one, Lawrence and Morgan one, Lincoln two, Lewis one, Livingston one, Logan two, Laurel and Rockcastle one, Mason three, Monroe one, Mercer two, Madison two, Montgomery two, Mublenburg one, Nelson two, Nicholas one, Oldham one, Ohio one, Owen one, Pulaski one, Russell one, Shelby two, Scott two, Simpson one, Spencer one, Trigg one, Todd one, Union one, Warren two, Woodford one, Washington three, and Wayne one.

Ratio fixed.

Representatives apportioned.

SEC. 2. And for the purpose of apportioning the representation in the Senate, this state is hereby laid off into thirty-eight senatorial districts, as follows, to-wit: the counties of Calloway, Hickman, M'Cracken, and Graves, shall compose the first senatorial district; Livingston, Caldwell, and Trigg, the second; Christian and Todd, the third; Logan and Simpson, the fourth; Henderson, Union, and Hopkins, the fifth; Warren and Allen, the sixth; Barren and Edmundson, the seventh; Green and Hart, the eighth; Cumberland and Monroe, the ninth; Adair, Casey, and Russell, the tenth; Pulaski and Wayne, the eleventh;

Senators apportioned.

1831.

Breckinridge, Hancock, Ohio, and Daviess, the twelfth; Butler, Grayson, and Muhlenburg, the thirteenth; Hardin and Meade, the fourteenth; the City of Louisville, Jefferson, and Bullitt, the fifteenth; Oldham and Henry, the sixteenth; Shelby, the seventeenth; Nelson and Spencer, the eighteenth; Washington, the nineteenth; Mercer, the twentieth; Lincoln, Rockcastle, and Laurel, the twenty-first; Garrard, the twenty-second; Madison, the twenty-third; Knox, Clay, Harlan, and Whitley, the twenty-fourth; Gallatin, Boone, and Grant, the twenty-fifth; Campbell and Pendleton, the twenty-sixth; Bracken and Nicholas, the twenty-seventh; Franklin, Owen, and Anderson, the twenty-eighth; Harrison and Scott, the twenty-ninth; Bourbon, the thirtieth; Fayette, the thirty-first; Woodford and Jessamine, the thirty-second; Montgomery and Bath, the thirty-third; Greenup, Lewis, and Lawrence, the thirty-fourth; Fleming, the thirty-fifth; Mason, the thirty-sixth; Morgan, Floyd, Pike, and Perry, the thirty-seventh; and Clarke and Estill shall compose the thirty-eighth senatorial district.

SEC. 3. In order to ascertain the polls, where two or more counties compose a senatorial district or districts to elect a representative, the sheriffs of such counties shall meet at the court-house first named in such district, either in choosing a senator or representative, to compare the polls, on the first Monday after the commencement of the election; and after having ascertained, by faithful comparison and addition, the amount of their respective polls, and shall make return of the persons elected, in the manner prescribed by law: *Provided, however,* that when a writ of election may be issued by either branch of the legislature, or by the governor, an earlier day may be ordered in such writ, for comparing the polls, if it should be deemed expedient.

Proviso.

New county—
how to vote.

SEC. 4. If any new county shall be established before the next enumeration and apportionment of representation, it shall be considered as a part or parts of the county from which it was taken, for the purpose of representation.

Judges of elections may appoint persons to conduct elections, if sheriff do not attend.

SEC. 5. That whenever it shall so happen, by death or otherwise, that there is no sheriff to attend the several elections, that it shall be lawful for the judges appointed to conduct said election, to appoint a proper person to superintend said elections, and be governed by the same rules and regulations that sheriffs now are by law.

AN ACT to improve the navigation of Salt river.

Approved, December 22, 1831.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county courts of Bullitt and Spencer counties shall, so far as Salt river may be within their respective counties, but not to extend above the mouth of Crooked creek, lay the river off into convenient precincts, and appoint an overseer to each precinct, and allot hands to each overseer; whose business it shall be, from time to time, as the same may become necessary, to remove all dams unlawfully erected, or which may, by wilful negligence by the owner or occupier, get out of repair, by not having the slopes continued and kept up, according to law; and to remove all obstructions in said river, and improve, as far as practicable, its navigation: and if the hands allotted, when warned, will not work on the river, they shall be fined the same amount, and recoverable in the same way, as fines for not working on the public roads are now recovered; and if the overseer will not do his duty, he shall be fined, upon an indictment or presentment, found by the grand jury, in a sum not exceeding fifty dollars, by a petit jury.

Sec. 2. *Be it further enacted,* That all hands allotted to work on the river, under the provisions of this act, shall be exempted from working on public roads.

Sec. 3. *Be it further enacted,* That all fines recovered under this act, shall be applied, by the respective county courts, to improve the navigation of said river.

And, whereas, Thomas Goodwin, in the county of Spencer, by the authority of the Spencer county court, erected a dam across Salt river, about four miles below the mouth of Crooked creek, and built a grist and saw mill; yet some doubts are entertained, whether the county court had lawful power and authority to permit said dam to be erected: the said Goodwin is desirous to get his said dam and mill lawfully established; and to obtain that, is willing to submit to reasonable conditions: For remedy whereof,

Sec. 4. *Be it further enacted,* That the said Goodwin, his heirs and representatives, are hereby authorized to erect and keep up a dam, at the place condemned by the jury and county court of Spencer, not exceeding three feet above low water mark, upon a compliance with the following conditions: in that part of

Bullitt and Spencer counties authorized to appoint overseers of Salt river, to keep the same open. River to be laid off into precincts, and overseers to be appointed in each; and to allot hands. To remove dams and other obstructions. Hands to be fined, if they fail to work. How recoverable. Overseer to be fined, if he fails to do his duty.

Hands exempted from working on public roads.

Fines—how to be applied.

Thos. Goodwin authorized to build a dam and mill on said river.

1831.

Conditions and
description of
dam.

Slope to be
made, and how.

If the dam
should be con-
sidered a nuis-
ance, to be a-
bated.

Proviso.

Bond to be ex-
ecuted by
Goodwin.

Proviso.

the river where the current is, the dam is to be three feet above low-water mark, for the distance and width of forty-five feet; and all the rest and residue of the dam is to be four feet above low-water mark: to the whole width of the low part of the dam, a slope is to be connected of the following description:—ten feet of slope for each foot of elevation of the dam; the slope to be made of timbers, filled in with stone, and planked smoothly over, and the dam and slope shall be thus made, and kept up in good order: and so long as the conditions are complied with, the dam may be continued; but upon a failure on the part of said Goodwin, his heirs and representatives, the dam shall be deemed a nuisance, subject to be abated by the overseer, or by the verdict of a petit jury, upon an indictment found by the grand jury having jurisdiction thereof: *Provided, nevertheless*, when by accident or casualty, the dam or slope may get out of order, the said Goodwin, his heirs and representatives, shall have a reasonable time and a suitable stage of water to repair the same.

SEC. 5. *Be it further enacted*, That before the said Goodwin shall be at liberty to erect his dam and slope, under this act, he shall enter into bond, with approved security, in the clerk's office of the Spencer county court, payable to the Commonwealth of Kentucky, in the penalty of ten thousand dollars, conditioned to pay such damages as may accrue to any person whose boat or cargo, or any part thereof, may be lost or damaged by attempting to pass said dam and slope: *Provided, however*, it shall be competent for the defendant or defendants, in any suit brought on said bond, to plead that the owner, supercargo, or commander, of any such injured boat or cargo, had caused the damage done, by his or their own neglect or bad management; and if the jury find that fact for the defendant, on the trial, no damage shall be awarded to the plaintiff.

CHAP. DCCXXI.

AN ACT to allow additional justices of the peace to certain counties.

Approved, December 22, 1831.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that the citizens of Greenup county are desirous of having an

additional justice of the peace allowed to said county: 1831.
Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional justice of the peace be allowed to Greenup county.

Justice of the peace allowed to Greenup county.

SEC. 2. *Be it further enacted*, That the county of Nelson shall be allowed one additional justice of the peace; that an additional justice of the peace be allowed to the county of Warren; that one additional justice of the peace be allowed the county of Hardin; that one additional justice of the peace be allowed the county of Floyd; that one additional justice of the peace be allowed the county of Jefferson; that one additional justice of the peace be allowed Campbell county; that one additional justice of the peace be allowed the county of Pulaski; that one additional justice of the peace be allowed the county of Fleming; and that an additional justice of the peace be allowed to the county of Mercer.

Nelson.

Warren.

Hardin.

Floyd.

Jefferson.

Campbell.

Pulaski.

Fleming.

Mercer.

CHAP. DCCXXII.

AN ACT to regulate the time of holding certain circuit courts in the 16th judicial district.

Approved, December 22, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, the term of the Hickman circuit court, may continue and be held nine juridical days, if the business of the court require it: and time of commencing and holding the Graves circuit court shall be changed, and, hereafter, shall commence on the Thursdays immediately succeeding the terms of the Hickman circuit courts, in the months of April, July, and October; and continue three juridical days if necessary: and the time of commencing and holding the M'Cracken circuit courts shall be changed, and, hereafter, shall commence on the third Mondays in the months of April, July, and October, and may continue and be held six juridical days, if necessary: and the time of commencing the Livingston circuit court shall be changed, and, hereafter, shall comence on the second Mondays in the months of March, June, and September, and continue six juridical days, if necessary.

Time of holding Hickman circuit court extended.

Graves changed.

McCracken.

Livingston.

1831.

Suits, pleas,
and process, to
be returnable to
the terms as al-
tered.

SEC. 2. *Be it further enacted,* That all suits, and pleas, and process, now pending in said Livingston, Graves, and M'Cracken circuit courts, are hereby continued and made returnable to the next ensuing terms of said courts, and shall stand for trial at said terms, as other cases; and all process made returnable otherwise, shall be, and is hereby made returnable, respectively, to the next ensuing terms of said courts; and all laws which are contrary to this act, shall be, and the same are hereby repealed.

CHAP. DCCXXIII.

AN ACT to authorize the sale of the Baptist Meeting-house, in New-Castle, Henry county.

Approved, December 22, 1831.

Commissioners
appointed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Benjamin Branham, John Corbin, and Robert Snell be, and they are hereby authorized to cause to be sold, to the highest bidder, the Baptist meeting-house, in the town of New-Castle, on a credit of six months, taking bond, with approved security, from the purchaser or purchasers, for the amount of the purchase money: which bond or bonds, shall be made payable to the said Benjamin Branham, John Corbin, and Robert Snell, for the use and benefit of those having an interest in said meeting-house; and said bond or bonds, may be sued upon and recovered in any court having jurisdiction thereof, in the name of said commissioners.

To give bond.

SEC. 2. *Be it further enacted,* That before the said commissioners shall proceed to the discharge of the duties assigned them by the provisions of this act, they shall enter into bond, with approved security, to be approved of by the county court of Henry, in such sum as said court shall deem reasonable, for the faithful discharge of their duty.

The sale to be
advertised.

SEC. 3. *Be it further enacted,* That before the commissioners shall proceed to make sale of said meeting-house, they shall advertise the time and place, at three of the most public places in said county of Henry, at least twenty days before making such sale.

SEC. 4. *Be it further enacted,* That said commissioners shall, as soon as practicable after the collection of the money arising from the sale of said meeting-

house, cause an equal distribution of the same to be made between those who have an interest therein; and the distribution shall be made in proportion to the interest of the parties concerned: *Provided, however,* that no claim shall be paid off by said commissioners, unless such claimant shall produce satisfactory evidence of the justness of said claim, and that he, she, or they, were original subscribers to the building or repairing said house; or had purchased from, and paid a *bona fide* consideration to those who were original proprietors thereof.

1831.

Proceeds of sale
—how appropriated.

CHAP. DCCXXIV.

AN ACT to change the place of voting, from the Short creek precinct in Grayson county, to the Great falls on Rough creek.

Approved, December 22, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place of voting in the election precinct in Grayson county, be changed from that of the widow Porter's, on the Spring fork of Short creek, to the Great falls of Rough creek, at Willis Green's mills; and that the same rules and regulations shall be observed in voting and comparing polls, as now directed by law.

Place of voting
changed in
Grayson county.

SEC. 2. *Be it further enacted,* That the place of voting in the election precinct in Lewis county, called Kinneconick precinct, be, and the same is hereby changed to the house of John Thompson; and it shall be the duty of the county court of Lewis county, to appoint judges, and a clerk of the election; who shall meet at the house of said John Thompson; and conduct the elections according to the laws of this Commonwealth, regulating elections.

In Lewis county.

CHAP. DCCXXV.

AN ACT for the benefit of the clerk of the county court of Hickman county, and for other purposes.

Approved, December 22, 1831.

WHEREAS, the clerk's office of the circuit and county courts of Hickman county, was consumed by fire, on the night of the 28th November last, and most

Preamble.

1831. of the papers and records in said offices were burnt, except the order books, memorandum and execution book: For remedy whereof,

Executions to
be issued.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in all cases where there may have been returned into the circuit court's office aforesaid, any sale-bond, or replevin-bond, and which was not paid or satisfied, and which were consumed by said fire, and it shall appear from the execution book in said office, that any such bonds were returned into said office, it shall and may be lawful for the clerk of said circuit court, to issue executions upon said bonds, when due, in the same manner as if they had not been destroyed by said fire: *Provided*, it shall appear, by the return of the sheriff or coroner, of record in said execution book, who were the parties to any such bond or bonds.

Further time to
return the com-
missioners'
books, and set-
tle for taxes.

SEC. 2. *Be it further enacted*, That the clerk of the county court of Hickman, is hereby allowed the further time, until the first Monday in December, in the year 1832, to return to the auditor of public accounts, a copy of the commissioners' book for the year 1831; and that he be allowed until said Monday in December, 1832, to settle with the auditor, his list of taxes for the year 1831.

Commissioner
to be appointed
to take in lists
of taxable prop-
erty.

SEC. 3. *Be it further enacted*, That the county court of Hickman county, shall, at their next February or March term, appoint some fit person or persons, to re-take the list of taxable property in said county, for the year 1831; and it shall be the duty of said commissioner or commissioners, to complete the taking in of said list of taxable property, by the first Monday in August thereafter, and to return his or their list, to said county court clerk's office, by said first Monday in August, under the same penalties now prescribed by law, against delinquent commissioners; and it shall be the duty of said county court clerk, forthwith, upon the return of the list of taxable property, taken by virtue of this act, to furnish the sheriff of said county with a copy thereof; and the said sheriff shall, there-upon, proceed to collect the same: and the auditor of public accounts, in his settlement of the revenue with the sheriff of said county, for the year 1831, shall be governed by the list of taxable property, by this act directed to be re-taken.

CHAP. DCCXXVI.

1831.

AN ACT to amend the revenue laws.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county courts of every county shall, at the November, December, or January terms in every second year, appoint one or more fit persons, to receive and take in lists of taxable property, in their respective counties; and said court shall have power to make re-appointments whenever it shall become necessary. Each commissioner so appointed, shall continue in office for the term of ten months; and before he enters upon the duties of his office, take the following oath or affirmation, before the clerk of the county court of the county, who is hereby authorized to administer the same: "I, A. B. do solemnly swear, (or affirm, as the case may be,) that I will, to the best of my skill and ability, diligently and faithfully execute the duties of a commissioner for taking in lists of taxable property, without favor, affection, or partiality; and I will diligently and faithfully make search and inquiry, that no person is passed over, or shall fail giving in his list of taxable property; and will truly and faithfully report all persons to the county court, who shall fail or refuse to give in his or her list of taxable property, as required by law, so help me God."

Commissioners of tax to be appointed every second year.

To continue in office ten months.

To take an oath.

SEC. 2. The said county courts shall district their counties, if necessary, and allot a commissioner to each district; and in all things be governed by the laws now in force, except as to the times at which said commissioners shall be selected, and said counties laid off into districts: and said commissioners shall, in all things, be governed by the laws now in force, except as to the time when they shall enter upon their duties and complete the same.

The county courts may lay off their counties into districts.

SEC. 3. *Be it further enacted,* That the alphabetical book, and original lists which the commissioners are required, by the existing laws, to return to the clerk's office of the county court in which he resides, shall be returned to said offices on or before the first day of May, in each and every year; and the clerks of the county courts shall make out the two alphabetical books required by the existing laws, one of which he shall transmit to the auditor of public accounts, by the first day of July in each year, and the other he shall deliver to the sheriff or collector of the county, as

Commissioners' books to be returned to the clerk's office in May.

Clerk's to make out two copies thereof.

One to be transmitted to the auditor, and

1831.

one to the sheriff or collector.

Proviso.

Lists of taxable property may be given in to the county court.

The value thereof to be given in by the owner.

The commissioner may fix a value thereto.

Proviso.

Oath to be administered, by the commissioner, to each person.

soon as may be, after he shall have executed bond for the collection of the revenue tax, and take a receipt for the same; which receipt the clerk shall, forthwith, forward to the auditor of public accounts: *Provided*, that it shall be the duty of the clerks of the several county courts, to have said books ready to be delivered to the sheriff or other person authorized to collect the taxes and county levies, on or before the first day of June next after the lists are taken, as required by this act.

SEC. 4. *Be it further enacted*, That any person who shall have failed to give in his or her list of taxable property, to the proper commissioner, may, nevertheless, at any time, give in his or her list, to the county court, in manner and form, (except as to the time of giving in the same,) and subject to the like penalties as are prescribed by the laws now in force.

SEC. 5. *Be it further enacted*, That each and every person, in giving in his list of taxable property, shall add thereto the value of each tract of land, and of each town lot, as well as the value of his or her slaves and personal property subject to taxation; and said commissioners shall have power, and are hereby required, to interrogate, upon oath or affirmation, (which they are hereby authorized to administer,) each and every person giving in his list of taxable property, as to the quality, description, or value of the property listed for taxation; and shall, upon such information, as well as his own view, and such other information as he may obtain, fix a fair and full value to the property listed, making such change in the value added to said list, as he may deem right: *Provided*, that the commissioners shall, in no case, reduce the value of any property below the average ratio of such property in the same neighborhood; and to aid him in fixing the value of real estate, in any neighborhood of his district, he is authorized and required to examine on oath, any two discreet house-keepers and free-holders of the neighborhood, as to the average rates and value of the land in the neighborhood, and the character and value of the improvements on the different tracts.

SEC. 6. *Be it further enacted*, That instead of the oath now required by law, to be administered by said commissioners, by the person giving in to him, his or her list of taxable property, he or she shall swear or affirm, that such list contains a true, full, and complete account of all persons, and every species of property

belonging to, or in his or her possession, subject to taxation, on the tenth day of January then next preceding; and that no contract, change, or removal of property whatever, hath been made, or any other method devised, practised, or used, in order to evade the payment of taxes, and that the value attached to the list given in by him, is a true, full, and faithful value of the same, to the best of his or her knowledge and belief; which oath the commissioner is empowered and required to administer: and said commissioners shall not enter upon the duties of their offices, until after the tenth day of January in each year.

SEC. 7. *Be it further enacted*, That each person listing lands or town lots for taxation, as now directed by law, shall also add to said list, the value of said land or town lots, considered in their improved state, and including all their improvements thereon, attached to the freehold of any kind and description: and the valuation of taxable property shall, hereafter, be fixed on the tenth day of January next preceding the time of giving in said list, and the year for which the value of the merchandize, procured or purchased by persons holding wholesale or retail stores, is listed, shall end on the tenth of January next preceding the time when said list shall be taken in.

The valuation of lands, town lots, &c.—how to be made.

And of merchandize.

SEC. 8. *Be it further enacted*, That the sheriff of each county, shall proceed, after the first day of June in each year, to collect from all and every person or persons; the revenue tax due from them, and may distrain the slaves, goods, and chattels, which shall be found on the lands, or in the possession of him or her from whom the taxes are due, notwithstanding said property may be in mortgage, and shall sell the same as now required by law.

The sheriffs to collect the taxes, and may distrain therefor.

SEC. 9. *Be it further enacted*, That the sheriff of each county, shall truly account for and pay into the treasury, the full amount of taxes imposed in his county, by the time, and in the manner, and subject to the penalties now prescribed by law.

To pay the same into the treasury.

SEC. 10. *Be it further enacted*, That it shall not be lawful for any county court to allow a credit for any delinquent list, until the following oath has been administered to the sheriff: "that this list of insolvents and delinquents, which you have made out, and which is now before the court, is just and true, to the best of your knowledge and belief; and that you have been at the residence of all those delinquents who reside in the

Delinquent lists—how to be allowed.

Oath to be administered to the sheriff or collector.

1831.

county, and demanded the taxes and levies; and that you have truly and diligently and faithfully made search and inquiry in their neighborhood for property to distrain for their taxes, and have not been able to find any out of which to make their taxes, or any part thereof, over and above the sum marked on said list as collected. And further, that you have made search and inquiry, truly, faithfully, and diligently, in the neighborhoods of those who are marked on the list, as removed, and have not been able to find any property out of which to make his, her, or their taxes or levies, or more than has been marked on said list as made; and that you will well and truly answer, and the truth declare to such questions, and such inquiries as the court or any member thereof may propound or ask in relation to this delinquent list, so help you God."

Commissioners under this act, not to be appointed until Dec. 1832.

The taxes and levies for 1832, to be collected from the lists of 1831.

Compensation to the commissioner to be reduced for a failure to take in the list of each person in his district.

The county courts to examine the books when returned, &c.

To deduct 50 cents from the compensation of the commissioner for each person omitted.

SEC. 11. *Be it further enacted*, That so much of this act as relates to the appointment of commissioners, and the taking in lists of taxable property, as required by its provisions, shall not take effect until the first day of December, 1832, and no lists of taxable property shall be taken in, for or during the year 1832; but the taxes and levies collected in that year, shall be collected upon the lists of taxable property already taken in, in the year 1831.

SEC. 12. *Be it further enacted*, That for each and every person that the commissioners appointed to take in lists of taxable property, shall fail to list or report to the county court, within the bounds severally set apart to each, he shall be subject to a deduction from the compensation allowed him by the county court, of fifty cents; and as the means of testing the extent of the failure of each commissioner, it shall be the duty of the county court, by themselves, or by such suitable person or persons as they may appoint, to make a full examination of the books returned by said commissioners, comparing them with the lists of preceding years, and with the poll-books; and testing them by other evidence which they may be able to obtain, to ascertain the number of persons in said bounds, that have been omitted: and for each and every person in said bounds, omitted, it shall be the duty of the county court to deduct fifty cents, from the allowance made to said commissioner, and certify to the auditor of public accounts, only the balance allowed said commissioner, and no more.

SEC. 13. *Be it further enacted,* That the revenue tax and county levies, shall be levied and collected upon said lists, in the year in which the lists are required to be taken, and also the next year thereafter.

1831.

The revenue tax and county levies—when to be collected.

SEC. 14. *Be it further enacted,* That the state shall have a lien for the revenue tax and county levies, on all the estate of each person assessed for taxation, until the two years taxes shall be paid; no matter into whose hands the estate shall have passed.

A lien to exist on the estate of each person for taxes and levies.

SEC. 15. *Be it further enacted,* That when any person, whose real estate has been assessed for taxation, shall, before the 10th day of January next succeeding the time of taking in the list and making the assessment, sell and convey such real estate, or any part thereof, it shall be lawful for such person and the purchaser of the estate, to go to the clerk's office of the county, and there cause the estate sold, to be taken by the clerk, from the list of the person in whose name it was assessed, and add it to the list of the person to whom the same is sold, or to list the same in his name, if he have no list on the books; and the same course may be pursued on the sale of slaves, from one person to another.

Real estate sold, may be transferred from the tax-list of the seller to that of the purchaser.

SEC. 16. *Be it further enacted,* That slaves hired shall always be listed by the owner of the property, and the county levies paid in that county where the owner resides; and the commissioner, in the list, shall designate what number of slaves the person has in possession, belonging to him, and what number he has hired out.

Slaves to be listed for taxation by the owner, and not by the hirer.

SEC. 17. *Be it further enacted,* That the clerks of the several county courts shall, on or before the first of June, in the year next succeeding the assessments provided for in this act, have the books copied, with all the transfers that may be made, and the list ready for the sheriff or other person authorized to collect the taxes.

Duty of the county court clerks in relation to such transfers.

SEC. 18. *Be it further enacted,* That it shall be the duty of the several commissioners appointed under this act, in the year eighteen hundred and thirty-five, and every four years thereafter, to ascertain and take in a list, in their several districts, of all the free white male citizens resident therein, of the age of twenty-one years and upwards, upon which enumerations, the representation in the General Assembly of the Commonwealth of Kentucky shall be apportioned among the several counties, cities, and towns, in this state;

Commissioners for 1835, and every 4th year thereafter, to take in a list of voters, for the purpose of apportioning the representation.

1831.

Additional
oath to be taken by the
commissioners
in those years.

Duty of the
commissioners
and clerks in
relation there-
to.

and said commissioners, in the year eighteen hundred and thirty-five, and every four years thereafter, shall, in addition to the oath required by this act, take an oath that they will well and truly ascertain all the resident citizens of the age of twenty-one years and upwards, within their respective districts, and just and true returns make thereof, with their lists of taxable property, to the county courts, as required by this act, and shall, in an appropriate column, designate that it is a list of the free white male citizens, of the age of twenty-one years and upwards, resident in their district; and the clerks of the several county courts in this Commonwealth, shall include said lists in their copy of the commissioners' book to be returned to the auditor's office.

CHAP. DCCXXVII.

AN ACT to incorporate the Lexington, Chilesburg, and Winchester Turnpike Road Company.

Approved, December 23, 1831.

A company in-
corporated to
construct a
turnpike road
from Lexington
by Chilesburg
to Winchester.

Style thereof.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be, and the same is hereby formed, for the purpose of making an artificial turnpike road, on the M'Adams plan, from Lexington, by way of Chilesburg, to Winchester, under the name and style of "the Lexington, Chilesburg, and Winchester turnpike road company;" and by that name and style shall be a body politic and corporate.

Amount of cap-
ital stock.

Books for the
subscription of
stock to be o-
pened.

SEC. 2. The capital stock of said company shall be sixty-five thousand dollars, to be divided into shares of one hundred dollars each: subscriptions towards constituting stock in said company shall be opened at Lexington, Chilesburg, and Winchester, on the first day of January next, or in convenient time thereafter, and continue open for six months, unless the whole stock shall be sooner subscribed for; and shall be under the direction of the commissioners hereinafter appointed.

Commissioners
appointed to re-
ceive subscrip-
tions—at Lex-
ington.

SEC. 3. *Be it further enacted,* That the following persons be, and they are hereby appointed commissioners, to do and perform the several duties required by this act: at Lexington, Elisha Warfield, John Brand, George W. Morton, Thomas P. Hart, Wil-

liam R. Morton, John B. Coleman, James G. McKinney, Richard Higgins, and Joseph Boswell; at Chilesburg, Richard Chiles, Matthew Kinney, William C. Prewitt, and James Dudley; at Winchester, Clifton Ferguson, Samuel Harrison, and Richard Hawes.

1831.

Chilesburg.

Winchester.

SEC. 4. *Be it further enacted,* That each of the three classes of commissioners, appointed by this act to open books for subscription to the capital stock of the said company, or such of them as may act, shall procure one or more books, and the subscribers shall therein subscribe an obligation of the following tenor, to-wit: We, whose names are hereunto subscribed, do, respectively, promise to pay to the Lexington, Chilesburg, and Winchester turnpike road company, the sum of one hundred dollars for each share set opposite to our respective names, in such proportions, and at such times, as shall be determined by the said corporation.

Form of the obligation to be signed by subscribers.

SEC. 5. *Be it further enacted,* That so soon as five hundred shares, in said company, are subscribed, it shall be the duty of the said commissioners, or such of them as may act, to give notice of a meeting of the stockholders of said company in the town of Lexington, for the purpose of choosing officers: the notice to be by advertisement, fifteen days previous to such meeting, in a newspaper printed in Lexington.

Meeting of stockholders for the purpose of choosing officers.

Notice thereof to be given.

SEC. 6. *Be it further enacted,* That the whole width of said road shall be forty feet, and the artificial part thereof covered with stone eighteen feet in width.

Width of the road.

SEC. 7. *Be it further enacted,* That it shall be lawful for the trustees of any of the towns, any county, or any corporation created by law, by their agent for such purpose appointed, to subscribe for, and hold shares in, the capital stock of the said company, in the same manner that natural persons may; and to have and exercise the same right of representing their stock in said company, by the votes of their respective agents, and enjoy all other rights and privileges that any stockholder may enjoy.

Corporations, and county courts, may subscribe for stock, and vote thereon.

SEC. 8. *Be it further enacted,* That, so soon as the said company is organized, the president, managers, or other officers, shall possess all the powers, authority, rights, privileges, and shall, and may, do the acts and things necessary for carrying on, and completing said turnpike road, as well as laying out or locating the same; and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures (if any,) and be entitled to like tolls and profits, as were given and

The president and managers invested with all the powers, &c. granted to the Lexington and Frankfort turnpike company, by the act of 1828.

1831. granted to the Lexington and Frankfort turnpike road company: and all the provisions of the act, approved, February 7, 1828, incorporating the Lexington and Frankfort turnpike road company, except so far as is provided for in this act, or may come in collision with the provisions of the same, are hereby enacted as a part hereof: all the rules for the organizing and government of said corporation, not inconsistent herewith, are hereby adopted for the regulation and government of the Lexington, Chilesburg, and Winchester turnpike road company.

The route of the road designated.

SEC. 9. *Be it further enacted*, That the said road shall intersect Mulberry street, in the town of Lexington, where the Stroud's road now intersects it, and run along the site of Stroud's road to Chilesburg: *Provided*, that the said company may, in constructing the road hereby authorized to be constructed, depart therefrom, if, in the opinion of the owners of a majority of the stock, the public convenience and the interest of the stockholders demands such departure.

CHAP. DCCXXVIII.

AN ACT for the establishment of a state road from Owenton to Warsaw, (late Fredericksburg,) in Gallatin county, on the Ohio river.

Approved, December 23, 1831.

Preamble.

WHEREAS, it is represented to the present General Assembly, that a large number of the citizens of the counties of Owen and Gallatin, will be much benefited by a road being opened from Owenton to the town of Warsaw, (late Fredericksburg,) in the county of Gallatin, on the Ohio river: Therefore,

Commissioners appointed to view a way for said road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jonathan Kemper and Jonas Jones, of the county of Owen; and Willis Peak and John O. Hamilton, of the county of Gallatin, be, and they are hereby appointed commissioners; who, or a majority of them, after being first duly sworn, before some justice of the peace, shall view and mark a way for a road, the nearest and best practicable route from Owenton, by the way of James Jones', to Warsaw: and it shall be the duty of said commissioners, so soon as they have completed the viewing and marking said road, to lay it off into convenient sec-

To lay off the same into precincts, and report to their respective courts.

tions or precincts, and shall make report of their proceedings, with the probable number of hands necessary for the immediate opening said road, to the court of their respective counties.

1831.

SEC. 2. It shall be the duty of the several county courts of the aforesaid counties, immediately upon the reports of said commissioners, to make an order for clearing out said road, thirty feet wide, clear of all timber, in all practicable places, and the stumps not to be more than twelve inches above the surface of the earth; and all mud-holes and muddy places to be causewayed with timber or stone, twelve feet wide; all guts shall be bridged in a good manner; the hill sides dug at least fifteen feet wide, and reduced to a plane: and said courts shall appoint a surveyor upon each section or precinct, as laid off by the commissioners, and shall allot him the number of hands to which he is entitled, and the boundaries from where they are to be drawn. Copies of the above described orders of court shall be given to each surveyor appointed under this act, within fifteen days after granting the same, by the sheriffs of said counties.

The courts of Owen and Galatin to cause said road to be opened.

To appoint surveyors, and allot hands to each precinct.

And cause them to be notified thereof.

SEC. 3. Each and every person who shall fail to do his duty in clearing out said road, after having been legally notified, shall be subjected to a fine of one dollar and twenty-five cents per day, recoverable as all other road fines are; and the several surveyors who shall be appointed under the provisions of this act, who shall fail to do the duties assigned them, without good cause shown, shall forfeit and pay the sum of fifteen dollars, recoverable as the fines aforesaid: *Provided, however,* that five days' notice be given to the delinquents.

Surveyors and hands may be fined for a failure of duty.

SEC. 4. When any person, through whose land the said road shall be viewed, shall object to the opening the same, the sheriff of the county in which the land may lie, shall, at the direction of the county court, summon a jury to meet on the land, on a certain day, (with the commissioners,) who shall be qualified to ascertain the damages that may arise from opening said road; which, together with the sheriff's fees, shall be paid out of the next county levy of the county in which said land may lie; the claim being first allowed by the county court.

Land may be condemned for the site of the road.

The damages and costs to be paid out of the county levy.

SEC. 5. That each commissioner shall be entitled to receive one dollar and fifty cents, out of the next county levy of the county in which he or they may

Compensation allowed to the commissioners,

1831. respectively reside, for each day he may have been necessarily employed in the aforesaid viewing, by his returning a certified account of the time aforesaid, to the court of claims.

and mode of
payment.

CHAP. DCCXXIX.

AN ACT to divorce George Ross.

Approved, December 23, 1831.

WHEREAS, Joanna Ross obtained a divorce from her husband George Ross, in the Boone circuit court: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said George Ross is hereby restored to all the rights and privileges of an unmarried man.

CHAP. DCCXXX.

AN ACT for the benefit of the clerk of the county court of Garrard county.

Approved, December 23, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the clerk of the county court of Garrard county, may, at the January or February term next, of said court, execute bond, with security, to be approved of by the court, conditioned as official bonds of county court clerks are required by law; and the bond, when so executed, shall be as valid and binding, and in all respects have the same effect, as if it had been executed in the time required by law, for the renewal of the bond of said clerk.

Further time
allowed to re-
new his bond.

CHAP. DCCXXXI.

AN ACT to amend the road laws so far as respects the counties of Mason and Bracken.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the revenue and poll tax payable in the counties of Mason and Bracken, for the year 1832, under the provisions of the above

The revenue
and poll tax, in
said counties,
payable in

recited act, to which this is an amendment, shall be ascertained and made out by the road commissioners for said counties, from the county commissioners' books for the year 1831; and the said road commissioners shall furnish the several overseers with a list of the said revenue and poll tax, on or before the first day of March next, to be acted upon in all respects, from that time, as is required and permitted by the provisions of the above recited act.

1831:

1832, to be made out from the books of 1831, and handed over to the overseers.

SEC. 2. *Be it further enacted*, That from and after the year 1832, the road commissioners of the said counties of Mason and Bracken, shall make out their lists of revenue and poll tax, collectable for road purposes, from the county commissioners' books of the preceding year, and put the same into the hands of the overseers of the roads, on or before the first day of March in each and every year; and the said overseers shall make a return of their delinquent lists in said counties as heretofore.

Further lists of revenue and poll tax to be made out from the books of preceding year, &c.

SEC. 3. *Be it further enacted*, That the several overseers of roads, in the counties of Mason and Bracken, shall, hereafter, be allowed seventy-five cents for every day they are actually employed in discharge of their duty as overseers, to be credited to them out of their road tax and levies, as far as the same will go; and the overplus, (if any) of such *per diem*, to be paid out of any money in the hands of the commissioners.

Allowance to the overseers of the roads in said counties, &c.

CHAP. DCCXXXII.

AN ACT appropriating some of the vacant lands in Muhlenburg, Hopkins, Edmonson, Morgan, Lawrence, Henderson, and Logan counties, to the improvement of the roads.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Charles F. Wing, James Weir, and Alney M'Lean, be, and they are hereby appointed commissioners, for the county of Muhlenburg, to locate or cause to be located, surveyed, and patented to them, as commissioners aforesaid, any quantity of vacant and unappropriated land within the county aforesaid, not exceeding two thousand acres; and said commissioners shall have power to sell and transfer the same, or any part thereof, to the

2000 acres granted to Muhlenburg county to improve certain roads in said county.

1831.

Commissioners appointed to appropriate the same.

purchaser or purchasers: and the money arising from the sale or sales aforesaid, shall be applied to improving the public roads in said county; and said commissioners, with the addition of John Morgan and James Tigret, or a majority of them, shall have authority to direct what part of said roads shall be improved, and the manner the proceeds aforesaid shall be expended.

The register to issue warrants therefor, and patents, &c.

SEC. 2. *Be it further enacted*, That the register of the land-office, upon the application of said commissioners, is hereby directed to issue to them, land-warrants, for any quantity of land, not exceeding two thousand acres, and grant patents to them for the same, without fee or reward for said land-warrants or patents.

\$200 worth of land-warrants granted to Hopkins county, for similar objects.

Proceeds—how to be applied, and by whom.

SEC. 3. *Be it further enacted*, That the register of the land-office be, and he is hereby required to issue to the county court of Hopkins county, without fee, two hundred and fifty dollars' worth of land-warrants, of one hundred acres each, to be laid upon any vacant, unappropriated land in said county, to assist in building bridges across Deer creek, on the road leading from Madisonville to Henderson; and across Poague's creek, on the road from Madisonville to Bellville; and across Flat creek, on the road from Madisonville to Greenville: and the said county court are hereby authorized to appoint their clerk to sell and assign said warrants; or they may, in their discretion, cause the same, or any part thereof, to be surveyed and carried into grant, and then sell and convey the same, and apply the proceeds to the purposes aforesaid.

\$500 worth of land-warrants granted to Logan county, for similar objects.

Proceeds—how and by whom to be applied.

SEC. 4. *Be it further enacted*, That the register of the land-office be, and he is hereby required to issue to M. B. Morton, Constant A. Wilson, and Geo. Brown, as commissioners, without fee, five hundred dollars' worth of land-warrants, at the rate of five dollars per hundred acres, in such quantities as they may require, to be located by them, or a majority of them, on any vacant and unappropriated land in the county of Logan; and said commissioners, or a majority of them, are hereby authorized to sell and assign said warrants, or locate and cause the same, or any part thereof, to be surveyed and carried into grant, and then sell and convey the same, or any part thereof, and apply the proceeds thereof, under the direction of the county court, towards clearing out and improving such of the public roads leading from the town of Russellville, as in the judgment of the county court, a majority of

them concurring, may be most public, and may most need repairing; and the register is hereby required to issue patents on the same, without fee.

1831.

SEC. 5. *Be it further enacted*, That James Tyler, Robert Morrison, and Foster James, be, and they are hereby appointed commissioners for the county of Butler, to locate, or cause to be located, surveyed, and patented, to them, as commissioners aforesaid, any quantity of vacant and unappropriated land within the county of Butler, not exceeding two thousand acres; and said commissioners shall have power to sell and transfer the same, or any part thereof, to the purchaser or purchasers; and the money arising from the sale or sales aforesaid, shall be applied to improving the public roads in said county: and the county court of Butler county shall have authority to direct what part of said roads shall be improved, and the manner the proceeds aforesaid shall be expended.

2000 acres of land granted to Butler county, for similar purposes.

Commissioners appointed to superintend their appropriation or location, &c.

SEC. 6. *Be it further enacted*, That the register of the land-office, upon the application of said commissioners, is hereby directed to issue to them, land-warrants for any quantity of land, not exceeding two thousand acres, and grant patents to them for the same, without fee or reward for said land-warrants or patents.

The register to issue warrants therefor, &c.

SEC. 7. *Be it further enacted*, That the register of the land-office be, and he is hereby required to issue to the county court of Edmonson, free of costs, two thousand acres of land-warrants; which said warrants the said county court is hereby authorized to have surveyed, upon any vacant, unappropriated land lying in said county, and carry the same into grant, and then to dispose of the same, or any part thereof, and apply the proceeds to the improvement of the road leading from the mouth of Salt river through said county.

2000 acres granted to Edmonson to improve a road in said county.

SEC. 8. *Be it further enacted*, That the county court of said county, if they think proper to do so, may dispose of said warrants, or any part thereof, in the first instance, and may authorize the clerk of said court to transfer the same to the purchaser; the proceeds to be applied as aforesaid: and in case the said court shall cause the said warrants to be surveyed and carried into grant, they may appoint the clerk to sell and convey the same.

Warrants may be sold, or patented, by the court.

SEC. 9. *Be it further enacted*, That said warrants shall not be laid on any lands which have heretofore been patented by the Commonwealth, nor shall they

Restriction.

1831. be laid upon any vacant land not within the county of Edmonson.

\$200 in land-warrants granted to Lawrence and Morgan counties.

Sec. 10. *Be it further enacted*, That there is hereby appropriated the sum of two hundred dollars, in land-warrants, for the purpose of improving the road leading from West-Liberty, in Morgan county, to the Little Sandy salt-works, in Greenup county; and the register of the land-office is hereby directed to issue the same, subject to be located in the counties of Morgan and Lawrence.

Commissioners appointed to appropriate them, &c.

Sec. 11. *Be it further enacted*, That William K. Kindall of Morgan county, and Harris W. Thomson and Nicholas Savage of Lawrence county, are hereby appointed commissioners; and before they enter upon the duties hereby assigned them, they shall enter into bond and security in their respective county courts, in the penalty of two hundred dollars each, for the faithful discharge of their duties; and upon the production of the clerk's certificate, that they, or any two of them have so entered into bond, the register is hereby required to issue said land-warrants; which warrants shall be assignable, and patents issue as in other cases.

\$250 in land-warrants granted to Henderson county, for similar purposes

Sec. 12. *Be it further enacted*, That the register of the land-office be, and he is hereby required to issue to the county court of Henderson county, free of costs, two hundred and fifty dollars' worth of land-warrants, containing five hundred acres each; which said warrants the said county court are hereby authorized to have surveyed, upon any vacant unappropriated land lying in said county, and carry the same into grant, and then to dispose of the same, or any part thereof, and apply the proceeds to the improvement of the mail road from Smith's ferry on Green river, to the Union line.

Warrants may be sold or carried into grant.

Sec. 13. *Be it further enacted*, That the said county court, if they shall think fit, may dispose of said warrants, or any part thereof, in the first instance, and may authorize the clerk of said court to transfer the same to the purchaser; the proceeds to be applied as aforesaid: and in case the said court shall cause the said warrants to be surveyed and carried into grant, they may appoint their clerk to sell and convey the same.

Where to be located, and upon what lands.

Sec. 14. *Be it further enacted*, That the said warrants shall not be laid on any lands which have heretofore been patented by the Commonwealth, nor shall

they be laid upon any vacant lands not within the county of Henderson.

1831.

SEC. 15. *Be it further enacted*, That any location made upon any land-warrants not now located, upon any land heretofore patented by the Commonwealth, shall be void, and pass no title whatever.

Upon what lands locations may be made.

CHAP. DCCXXXIII.

AN ACT to amend the law regulating appeals from the judgment of justices of the peace.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever the plaintiff or plaintiffs in any warrant, may desire to appeal from the judgment of a justice of the peace, it shall be lawful for the appeal-bond which is required to be given, to be executed before the clerk of the court in which the appeal is to be tried; and it shall be lawful for the clerk, and he is required to approve of the security, and take the bond in a reasonable penalty to be fixed by him.

Appeal-bonds to be executed before the clerks of the courts in which the appeal is to be tried.

Clerks to approve of the security.

SEC. 2. *Be it further enacted*, That the bond to be taken by the clerk as aforesaid, shall contain a condition, in substance, to satisfy and pay the judgment of the court, (in case the appellant or appellants, (as the case may be,) are unsuccessful in the appeal.

Condition of the bond.

SEC. 3. *Be it further enacted*, That, where there are a plurality of persons against whom judgment is rendered by a justice, any one or more of them may appeal; but the appeal, if taken by part only of those against whom judgment is rendered, shall be considered as placing the cause for trial in the court to which the appeal is taken, as fully as if all had united in the appeal; and the court shall, accordingly, in all respects, proceed in the appeal, and render judgment between all those who were parties to the judgment of the justice.

An appeal may be taken by one of several, against whom judgment may be rendered, with the same effect as if all had united.

SEC. 4. *Be it further enacted*, That in no case, whether the appeal be taken by the plaintiff or defendant in the warrant, shall the appeal be dismissed on account of any defect or illegality in the appeal-bond, or on account of any irregularity in executing the same: *Provided*, that a sufficient bond be executed by a responsible surety or sureties, before the appeal is

No case to be dismissed for a defect in the appeal bond.

Proviso.

1831. called for trial, or at such other time as the court, in its discretion, may allow.

A new bond may be taken by the circuit courts in cases of forcible entry and detainer, in certain cases.

SEC. 5. *Be it further enacted*, That on the trial of any traverse, taken from the judgment of a justice of the peace, on a writ of forcible entry and detainer, in the circuit court, if it shall appear that the traverse bond is defective, or the security for costs insufficient, it shall and may be lawful for the circuit court, before whom the same may be tried, to authorize a new bond to be given.

The person appealing to be alone liable for costs.

SEC. 6. *Be it further enacted*, That in taking an appeal under the provisions of this act, if all the defendants or plaintiffs in trial, before the justice, do not unite, the person appealing alone, shall be liable for the costs of the appeal.

Two returns of "not found," against the appellees, a sufficient service.

SEC. 7. That when the appellee or appellees shall fail to appear in the circuit or county court, the appellant shall have a right to proceed to trial, on the return of two writs, "not found:" *Provided*, the returns of "not found," be made by the proper officer of the county in which the appellee or appellees reside, if he, she, or they reside in this Commonwealth; but if he, she, or they reside not in this Commonwealth, the returns of "not found," may be made by the officer of the county in which the appeal is pending.

Proviso.

CHAP. DCCXXXIV.

AN ACT for the benefit of Joseph B. Crockett, and others.

Approved, December 23, 1831.

Allowance to Jos. B. Crockett.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the auditor of public accounts is hereby authorized, upon the application of Joseph B. Crockett, to grant in his favor, a warrant upon the treasury, for the sum of sixteen dollars seventy-five cents, in full for services rendered by him as attorney for the Commonwealth, by the appointment of the judge of the — judicial district, during the term that intervened after the resignation of James Breathitt, as late attorney for the Commonwealth for said district, and the appointment and qualification of his successor; and the treasurer is hereby required to pay said sum of money to said Crockett, upon said warrant.

SEC. 2. *Be it further enacted*, That the auditor of public accounts is hereby authorized and required to issue his warrant upon the treasury, in favor of Alexander R. Macey, for the sum of twenty dollars, in full for services rendered by him, as attorney for the Commonwealth, under the appointment of the judge of the sixth judicial district, during the term that intervened after the resignation of E. M. Ewing, late attorney for the Commonwealth for said district, and the appointment and qualification of his successor; and the treasurer is hereby authorized and required to pay the same.

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To A. R. Macey.

SEC. 3. *Be it further enacted*, That the auditor of public accounts do, on the application of Richard Rudd, issue to him a warrant upon the treasury, for the sum of eight dollars, in full for services rendered by him as attorney for the Commonwealth, by the appointment of the judge of the ——— judicial district, whilst there was no attorney for the Commonwealth in commission for said district; and the treasurer is required to pay the same, on the warrant aforesaid being produced to him.

To Richard Rudd.

CHAP. DCCXXXV.

AN ACT to authorize the administrators of Isaac Jackson deceased, to sell the lands of said Jackson, for the purpose of paying his debts.

Approved, December 23, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Joseph G. Hardin, John Hagan, and Hiram Hagan, administrators of Isaac Jackson deceased, to file a bill in the Monroe circuit court, alleging that the personal estate of Isaac Jackson deceased, is insufficient to pay his debts, and to set out the amount of personal estate, and how it has been disbursed, and the amount of outstanding debts, as near as may be; to which bill the widow and heirs at law of said Jackson, shall be made defendants. The complainants shall make the allegation, that it will be to the interest of the heirs, to sell certain parcels of the real estate which descended to the heirs from said Jackson, for the payment of the debts; and the court shall appoint a guardian *ad litem*, for the infant heirs, and a commissioner to state the

The circuit court of Monroe authorized to decree a sale of the real estate of I. Jackson.

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Proceeds to be applied by the administrators to the payment of debts.

Conveyances to be made to the purchasers.

Administrators to give bond and security.

Condition.

accounts of the administrators, and report the amount of outstanding debts, and the value of the lands proposed to be sold, and the situation and value of the other estate of the infants; and the court, if they shall believe it will be to the benefit of the infants' estate, shall and may decree a sale of such part as will pay the debts, at such price and such credit as the court may direct, and may appoint the complainants, or any one or more of them, commissioners to sell the land; and on the confirmation of the sale by the court, the commissioners may be directed to convey the same to the purchasers, and the conveyance shall be effectually to pass the estate. But before the court shall enter a decree for the sale of the land, they shall require bond and good security from the complainants, conditioned to apply the proceeds of the sale of any land directed to be sold by the court, to the payment of the debts of Isaac Jackson deceased, and to render a faithful and correct account to said court. The court may hear the cause, and decree a sale at the first term.

CHAP. DCCXXXVI.

AN ACT to provide for selling the public buildings and property in the town of Wilmington, M'Cracken county.

Approved, December 23, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of M'Cracken county, are hereby authorized to sell the public buildings and property in the town of Wilmington, in M'Cracken county, to the highest bidder, upon such credit as said court may deem expedient; and apply the proceeds of said sale, towards the erection of a jail and court-house in the town of Paducah.

CHAP. DCCXXXVII.

AN ACT to apply the state's dividend in the Shelby turnpike road, to the extension of said road.

Approved, December 23, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the board of internal improvements for Shelby county, shall be, and are hereby vested with authority, to apply the dividends on the

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stock of the state, in the Shelby turnpike, for the next two years commencing on the first of January, 1832, to the extension of said road, and shall enter an order on their books, increasing the number of shares belonging to the state, one share for each one hundred dollars so applied; and shall certify the same to the auditor of public accounts, and declare and pay out dividends to the state, on the same, as other stock: *Provided*, the dividends belonging to other stockholders, shall also, be applied to the extension of said road, or that an equal amount of stock shall be subscribed by individuals, and paid in and applied to the extension of said road.

CHAP. DCCXXXVIII.

AN ACT for the benefit of the devisees of James Lewis deceased.

Approved, December 23, 1831.

WHEREAS, James Lewis deceased, late of the county of Fleming, died possessed of several small tracts of land in said county, and one tract in the county of Bracken, and a few slaves; and that by his last will and testament, he charged sundry of his children with advances made to them, and directed the residue of his estate to be equally divided among his children, (save one,) and that no power is conferred upon his executors to sell, and that some of the devisees are infants: Wherefore,

Preamble,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the executors and other devisees of said James Lewis, to file their bill in the Fleming circuit court, setting forth the number of slaves, by name, and if it shall appear to said court, that a division thereof cannot be had in kind, or that it will conduce to the interest of said devisees, to direct a sale of said slaves and land, and to appoint, by his decree, the executors of said decedant, commissioners, to make sale of said slaves and land, and to execute deeds of conveyances, first taking from them, bond with approved security, to execute faithfully, the duties enjoined upon them by this act, and the decree of said court; and that they will pay over the proceeds of said sales, according to the provisions of said will.

Fleming circuit court may decree a sale of land and slaves.

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CHAP. DCCXXXIX.

AN ACT to establish an election precinct in Greenup county.

Approved, December 23, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Greenup county, contained within the following boundary, to-wit: beginning on the Ohio river, about the middle of Joseph Powell's farm; thence to the forks of the road near said Joseph's house; thence a straight line to the head of Indian run, and down the same to its junction with the east fork of Sandy; thence up the east fork to the mouth of William's creek; thence a straight line to where the road from Greenup courthouse crosses the county line; thence with the county line to Big Sandy river; thence down Big Sandy river and the Ohio, to the beginning, shall form an election precinct: the qualified voters in said precinct, shall meet at the house of Lewis Williams, on Hood's creek, and vote at all legal elections; and the county court of Greenup county, shall appoint judges and a clerk to said precinct, as judges and clerks are in other precincts in said county; and the sheriff or his deputy, shall attend said election precinct, and compare the polls at the same time and place of comparing them from the other precincts in said county.

CHAP. DCCXL.

AN ACT for the benefit of William Watkins, surveyor of Lewis county.

Approved, December 23, 1831.

Preamble.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that William Watkins, the surveyor of Lewis county, failed to renew his bond, as surveyor of said county, as is required by law; but has since been appointed and has executed bond as surveyor of said county: Therefore,

Acts of the surveyor legalized.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the business done by said Watkins, as surveyor of said county of Lewis, shall be as good and valid, as if the same had been done during the existence of his said bond of office.*

CHAP. DCCXLI.

1831.

AN ACT for the benefit of Martin Stafford, and others.

Approved, December 23, 1831.

WHEREAS, it appears that Martin Stafford entered the north-east quarter of section fourteen, township four, range three west; and Daniel C. Cargill, the south-east quarter of section four, township five, range two east; and Daniel T. Cargill, the north-east quarter of section four, township five, range two east; and that each of said quarters are included within military surveys west of the Tennessee river: For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That each of the entries and patents granted to said Stafford, Daniel C. Cargill, and Daniel T. Cargill, be, and the same are hereby made null and void; and the said Stafford, Daniel C. Cargill, and Daniel T. Cargill, are hereby authorized, and the receiver of public moneys in the land district west of the Tennessee river, is hereby required to permit each of said persons to enter, free of price, in his office, one vacant quarter section, in lieu of the one recited in this act: *Provided*, it shall not be lawful to enter any land upon which there may be, at the time, any actual settler.

CHAP. DCCXLII.

AN ACT to incorporate the Bardstown and Louisville Turnpike Company.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be, and the same is hereby established and incorporated, with a capital of one hundred and thirty thousand dollars, to be divided into thirteen hundred shares of one hundred dollars each, to construct a turnpike road, on the M'Adams plan, from the termination of the Louisville turnpike, by way of Mount-Washington in Bullitt county, to Bardstown in the county of Nelson, under the name and style of the Bardstown and Louisville turnpike company, and as such shall be a body politic and corporate forever; and by that name and style, shall be competent to contract and be contracted

Capital stock.

Corporate powers.

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with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, and in all matters whatever, the same as natural persons; with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real and personal estate, as shall be necessary and convenient for the site or route of said road, and for piers and abutments for all and every bridge that may be necessary on said road, and lots for toll-houses, and the residence of gate-keepers, the necessary stone quarries for the construction and repair of said road; and such teams and implements as may be convenient and proper for the construction of the road; may have and use a common seal, and alter, change, and renew the same at pleasure; and may make, ordain, and establish, and put in execution, such by-laws and ordinances as may be necessary and proper for the construction and formation of said road, and the management and direction of the prudential concerns of said company, not contrary to the constitution and laws of this, or the United States.

Description of
road and bridges.

SEC. 2. *Be it further enacted*, That the width of said road shall be not less than fifty, nor more than sixty feet; and the artificial part thereof, shall be not less than twenty feet, and made on one side: that said road shall be graded to at least two degrees, in descending and ascending the elevations on the route of said road; that bridges shall be erected on said road across Floyd's fork, Salt river, Coxe's creek, and at such other places as may be necessary: the bridges across Floyd's fork and Salt river, shall be built on abutments on the shores of said streams, without any piers in the channel, and shall be sufficiently high to permit the free passage of flat boats in the highest stages of the water.

To have the
privileges and
powers of the
Louisville turn-
pike company.

SEC. 3. *Be it further enacted*, That the president and managers of the Bardstown and Louisville turnpike company, shall be vested with all the power and authority, immunities, tolls, privileges, and advantages, in all and every respect that are now vested by law in the Louisville turnpike company, subject to the like limitations and restrictions as if they were herein embodied and repeated.

Books for sub-
scription of
stock to be o-
pened.

SEC. 4. *Be it further enacted*, That Peter Sweets, Gabriel E. Cox, James M. Brown, Benjamin Doom, Austin Hall, and John Alexander, he, and they are hereby appointed commissioners to open books at such

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time and such places as they may deem expedient, for the subscription of stock, in the company hereby created: and whenever three hundred shares shall have been subscribed, the said commissioners may close the books, and call a meeting of the stockholders at such time and place as they may deem most convenient; first advertising the time and place in one of the newspapers printed in Louisville, and in the newspaper printed in Bardstown: and the stockholders shall choose a president and six managers, in whom shall be vested all the powers of this corporation, for the construction of said road, and the management and direction of its prudential concerns. Each share, to the number of twenty, shall entitle the holder to one vote for every share held by him; and every five shares over twenty, shall entitle the holder to one additional vote: and after the first election of a president and managers, there shall be an annual election of a president and managers of said company, on the first Monday in March in each year; and the president and managers of said company, shall hold their offices until their successors shall be elected; and no person shall be elected a president or manager, who is not a stockholder, and vacates his office on ceasing to be a stockholder: and the president and managers, for time being, may supply any vacancy which shall happen in their own body, from any cause, between the annual elections; and if from any cause, an election shall not be held on the first Monday in March in each year, the president and managers may advertise and cause the election to be held on some other convenient day.

Stockholders to choose a president and managers, &c.

Sec. 5. *Be it further enacted*, That the president and managers of this company, may sell the residue of the stock not originally subscribed, at such time, and in such manner as they may deem most advisable: *Provided*, they shall not sell any stock for less than par.

Stock not subscribed may be sold.

Sec. 6. *Be it further enacted*, That said company shall have two years after its organization, to commence the construction of said road, and five years after its commencement, to complete the same.

When the work is to be commenced, and finished.

Sec. 7. *Be it further enacted*, That the president and managers of the Bardstown and Louisville turnpike company, and the president and managers of the Louisville turnpike company, shall have the right, if they shall deem it expedient, to construct a rail-road along side of said turnpike, with the power and au-

May construct a rail-road.

1831. thority of the "Lexington and Ohio rail-road company," under the like limitations and restrictions.

CHAP. DCCXLIII.

AN ACT to create an additional election precinct in the county of Clarke, and for other purposes.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Clarke county, contained within the following boundary, to-wit: beginning on the Kentucky river at the Boonsborough ferry; thence with the Winchester road to the house of William Tate, including the same; thence a straight line to include the farm of William M'Millan; thence to include the dwelling-house of William Williams; thence to the Strode's road, to include the dwelling-house of George W. Franklin, and with said road to the Fayette line, and with said line to the Kentucky river; thence up said river, with the meanders thereof, to the beginning; shall form an election precinct: the qualified voters in said precinct shall meet at the house of Colby H. Taylor, at Colbyville, and vote, at all legal elections: and the county court of Clarke county shall appoint judges and clerks to said precinct, as judges and clerks are in the other precinct in said county; and the sheriff, or his deputy, shall attend said election precinct, and compare the polls at the same time and place of comparing them from the other precinct in said county.

SEC. 2. *Be it further enacted,* That, hereafter, it shall not be lawful for any person to vote at any precinct in said county of Clarke, designated for holding elections, except the qualified voters who shall be actually residing within the bounds of said election precinct at the time of the commencement of the election, any former law to the contrary notwithstanding.

SEC. 3. *Be it further enacted,* That the place of voting in that part of Chapel's precinct, which lies in the county of Perry, shall, hereafter, be at the house of James Templeton; and that the place of voting in that part of Riley's precinct, which is in Perry county, shall, hereafter, be at the house of Roger Turner sen.: and that the said precincts shall be regulated and governed by the same rules which govern the other precincts in the county of Perry.

Boundary of
the precinct.

Judges and
clerks to be ap-
pointed.

No person to
vote in the pre-
cincts in Clarke
who do not re-
side in their
bounds.

Places of voting
in precincts in
Perry county.

CHAP. DCCXLIV.

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AN ACT to authorize the publication of orders of court, and other advertisements, in the newspaper called "Olive Branch," printed in Danville.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful to publish, in the newspaper called "Olive Branch," printed in the town of Danville, all orders of court, advertisements, and publications, required by law to be published in some authorized public newspaper, except such as are particularly required, by law, to be published by the public printer: and all publications, made in said "Olive Branch," shall be as effectual as if made in any other authorized newspaper printed in this state; and it shall be lawful for the editor of said paper, to charge the like fees, and make such certificates as are now authorized and required, by law, of editors of papers authorized to make such publications.*

CHAP. DCCXLV.

AN ACT to authorize "the Kentucky Republican" to print certain advertisements.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That "the Kentucky Republican," printed at Greensburg, Green county, shall be, and is hereby authorized to publish all advertisements which are authorized or required, by law, except such as are required, by law, to be published in the paper of the public printer or printers, exclusively: all publications and advertisements made in said paper, shall be as good and valid as if made in any other authorized newspaper in this state; and it shall be lawful for the printer or printers of said paper, to make such certificates, and charge such fees, as are authorized to be made and charged in any other authorized newspaper in this Commonwealth.*

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CHAP. DCCXLVI.

AN ACT to amend the charter of the City of Louisville.

Approved, December 23, 1831.

No street or alley to be laid out but by the consent of the mayor and council.

Mayor and council to have jurisdiction over all streets and alleys.

Further powers of the mayor and council.

Damages for opening any street or alley; how assessed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That no person or persons shall have the power or right, within the limits of the City of Louisville, to lay out or extend any street or alley, without first having obtained the consent of the mayor and councilmen of said City, by the concurrence of not less than seven members, to the making of the street or alley, or to the extension thereof; and when any person or persons have, or shall hereafter lay out any street or alley within the said City, and sell lots binding thereon, or with the view and intention of selling lots binding thereon, the ground so laid out for a street or alley, shall be, and the same is hereby declared so appropriated to public use; over which streets and alleys, the mayor and councilmen shall have all the power, jurisdiction, and authority, that they now have over any of the other streets and alleys of said City, and may cause them to be graded and paved, in like manner, and at the like costs, and charges, and expense of the proprietors of lots binding thereon; and may, also, cause wells to be dug, walled, and pumps placed therein, in any such street, at the like costs and expense of the proprietors of lots binding thereon, and cause the expense of grading, paving, and digging wells, &c. to be apportioned among the several proprietors of lots, and parts of lots, on any such street or alley; and to be levied and collected in like manner, and with the like levies as the expense of grading, paving, and digging wells, &c. are levied and collected in the other streets of said City.

SEC. 2. *Be it further enacted,* That when a jury shall be called to assess damages for the opening any street or alley within the City of Louisville, under the provisions of the charter of said City, that such jury shall take into consideration the advantages and disadvantages of the opening of the proposed street or alley, or of the extension thereof, to each and every proprietor of lots or lands through which such street or alley will pass, or which, in consequence of the opening or extension of the street or alley, will have a front thereon; and shall, in their verdict, say what each proprietor shall receive for damages, and what each proprietor shall pay for advantages, and what part of the

costs of opening or extending the street or alley shall be paid out of the City funds: and in all applications to open or extend a street or alley, persons owning lots or lands which will have a front on such street or alley, although no part of their lots or lands shall be taken for the street or alley, shall be summoned before the court, to show cause why the street or alley shall not be opened or extended, and why they shall not pay for the advantages which said street or alley will be of, to their property; and the court, on ordering the street or alley to be opened or extended, shall have power and authority to enforce, by judgment and execution, or by order and attachment, the payment of all such sum or sums which shall or may be assessed by the jury, to be paid by the proprietor of lots or lands through which the street or alley will pass, or by the proprietor whose lots or lands will have a front binding thereon: *Provided, however,* that the corporation shall, in all cases, have the right to reject or agree to pay the damages so assessed by the jury, and have the street or alley opened or extended, as the mayor and council shall deem most expedient for the interest of the City.

SEC. 3. *Be it further enacted,* That the mayor and council of the City of Louisville, shall have the like power and authority to assess, levy, and collect, an annual tax on the real and personal estate, stores, and other things within that part of the City, commencing at Shelby street, in Preston's enlargement of Louisville, and running thence with that street, continued to the Ohio river; and thence down the river to the former line of the town of Louisville; and thence with that line till it intersects Prather's street, when continued; and thence to where Shelby street, when extended, will intersect the same; that they now have to levy, assess, and collect an annual tax within any part of the City.

SEC. 4. *Be it further enacted,* That it shall not be necessary for the mayor and councilmen of the City of Louisville, to have alphabetical lists of the voters in each ward, made out as required by the charter; but they shall cause alphabetical lists of the free white male citizens of each ward, to be made out from the assessor's list, and the collector's list of delinquents, including only those who have actually been assessed and paid taxes for the preceding year, and furnish those lists to the judges of the elections in said ward; and

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Mayor and council to have power to collect taxes, &c. in a certain boundary.

Lists of voters, &c.

1831.

no person who has not been assessed and paid taxes for the preceding year, shall be entitled to vote for any officers elective of the City; but when any person or persons shall have been assessed in one ward, and paid his taxes, and before the time of voting, shall have removed to another ward, every such person shall be entitled to vote in the ward where he may reside, on producing to the judges the collector's receipt for the tax of the preceding year, and making affidavit, if required, that he has not, nor will not, claim to vote in the ward where he was assessed.

Who are eligible to office.

SEC. 5. *Be it further enacted*, That no person shall be eligible to any elective office within the City of Louisville, who is not a house-keeper, or free-holder, and has not paid taxes within the same, the preceding year: and when any councilman shall remove from the ward in which he was elected, he shall, thereby, vacate his office; and when a vacancy in the office of councilman shall happen, from any cause, the mayor and residue of the councilmen shall, forthwith supply the vacancy by the election of some other qualified resident of the ward: and the mayor and council of said City, under such rules and regulations as they may prescribe, shall decide on the validity of the election of all City officers.

Vacancies—and how filled.

Validity of elections—how decided.

CHAP. DCCXLVII.

AN ACT to repeal, in part, the charter of Louisville, and for other purposes.

Approved, December 23, 1831.

The law authorizing a license to sell lottery tickets repealed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of any act of the General Assembly as authorizes the City of Louisville, to grant licenses within said City to dealers in lottery tickets, or to levy a tax on any such license, shall be, and the same is hereby repealed.

Penalty for selling lottery tickets in this state.

SEC. 2. *Be it further enacted*, That it shall not be lawful for any person or persons whatever, to deal, sell, or dispose of, any chance or chances in any lottery whatever, in any town, City, or other place within this state, whether the same is to be drawn within or without this state; and whether such dealing or vending shall be by selling tickets, or in any other mode by which an interest or chance in any lottery shall be

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transferred, nor shall any person aid or abet in such dealing in chances, in any lottery, or furnish a house or dwelling for the purpose, to such dealer or vender; and if any person or persons shall offend against the provisions of this act, every person so offending; shall forfeit and pay for every such offence, any sum not less than one hundred dollars, nor more than ten thousand dollars, to be assessed by a jury, and to be sued for in the name of the Commonwealth, at the instance of the attorney of the Commonwealth, or any person giving information; the one half of the sum to be for the use of the informer, where an informer prosecutes, and the other half to be applied to the use of the Commonwealth; and where the attorney sues by action of debt or indictment, to the use of the Commonwealth: and whether the prosecution shall be by indictment or suit, justice shall not be delayed, but the court shall permit all needful amendments to try the cause on its merits; and it shall be legal in any such suit, to demand the sum of ten thousand dollars, and to recover any sum between that and one hundred dollars, which a jury shall assess. This act shall not be construed to repeal any law heretofore passed to suppress the sales of lottery tickets within this state, but in affirmance of the same; and all persons coming within the provisions of any such law, not provided for in this act, shall be liable to the same penalty and prosecution as if this act had not passed.

CHAP. DCCXLVIII.

AN ACT to extend the limits of the town of Nicholasville.

Approved, December 23, 1831.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that the present limits of the town of Nicholasville, in the county of Jessamine, does not include all the citizens who actually receive the benefits of said town, the growth thereof having spread considerably beyond the legal boundary thereof; and that there is a considerable number of inhabitants adjacent thereto, who derive all the advantages from said town, that are enjoyed by those who live within its prescribed limits, without contributing any thing towards repairing its streets or alleys, nearly all of whom are willing to

Preamble.

1831. have said town extended so as to include them: Therefore,

Bounds extend-
ed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Nicholasville; shall cause the limits of said town to be extended to the following boundary; beginning at the south east corner of said town, and run due east two hundred and nine yards; thence north, parallel with main street, to the Richmond road; thence west, including said road, and parallel with main cross street, to the Versailles road; thence south with said road, and parallel with main street, to Williamson street; thence east with said street, to William Steel's lot; thence south to Metcalf's line; thence east with said line, to the western boundary of said town: and the said trustees shall cause a survey and plat of the same to be made, and the lines properly marked, and lodge said plat in the office of the clerk of Jessamine county court, whose duty it shall be to record the same, and keep it subject to the examination of any who may feel interested.

Powers of the
trustees.

SEC. 2. *Be it further enacted*, That the trustees of said town shall have power to make by-laws for its regulation as now extended, as they had by law, before the passage of this act; and all the laws in force relative to said town, shall continue in force hereafter: *Provided, however*, that said trustees, or their successors, shall have no power or authority to open or lay off streets or alleys, in or through so much of said town as is included by this act, and that did not, heretofore, belong to it; but the proprietors of the real property within said boundary, shall have a right to use and enjoy said property, in any manner they please: said trustees not being empowered to make any by-law to restrain said proprietors in the enjoyment thereof, in any manner they may think proper:

Proviso.

Provided, however, that said trustees shall have the power to make by-laws for the regulation of the streets or alleys now open in said boundary: *And, provided further*, that nothing herein contained, shall be construed to prevent the said trustees from levying a town tax within said town, as extended by this act, upon the persons and property within the same.

CHAP. DCCXLIX.

1831.

AN ACT to incorporate the Shepherdsville and Louisville turnpike company, and for other purposes.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be, and the same is hereby created and established, with a capital of sixty thousand dollars, to be divided into six hundred shares of one hundred dollars each, to construct a turnpike road, on the M'Adams plan, from some point on the Louisville turnpike, to Shepherdsville, in the county of Bullitt, under the style of the Shepherdsville and Louisville turnpike company, and as such, shall be a body corporate and politic forever; and by the name and style of the president and managers of the Shepherdsville and Louisville turnpike company, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatever, as natural persons; with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real and personal estate as shall be requisite and convenient for the site and route of said road, and lots for toll-houses and residences for gate-keepers, and stone quarries for the construction and repair of the road, and tools and implements as may be required in the construction thereof: they may have and use a common seal, and alter, change, and renew, the same at pleasure: and may make, ordain, establish, and put in execution, such by-laws, ordinances, rules, and regulations, as may be necessary and proper for the construction and repair of said road, and the management of its fiscal and prudential concerns, and the good government of its officers and agents, not contrary to the constitution and laws of this, or of the United States.

Corporate powers of the company.

SEC. 2. *Be it further enacted,* That the width of said road shall be not less than fifty, nor more than sixty feet; and the artificial part thereof not less than ten feet, and may be constructed on one side: the said road shall be graded so as not to have an elevation of more than two degrees in the ascents and descents, in the route thereof.

To have the same powers &c. as the Louisville turnpike company.

SEC. 3. *Be it further enacted,* That the president and managers of said road shall be vested with all the

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power, authority, rights, privileges, tolls, immunities, and advantages, in all and every respect, that the Louisville turnpike company are now entitled to by law, subject to the like limitations and restrictions, as if the whole thereof was here again repeated.

Books for subscription of stock to be opened.

Stockholders to choose president, &c.

Stock to be personal estate—how transferable.

Preamble.

Commissioners to open books for subscription of stock in the company to open a turnpike road from Lexington to the Kentucky river.

Sec. 4. *Be it further enacted*, That Francis Merri-man, Thomas Joyes, Matthew Wilson, Abraham Field, John Burks, and Henry Robb, or any two of them, are authorized to open books for the subscription of stock in said company, giving such reasonable notice of the time and place, as they shall judge best; and whenever two hundred shares shall have been subscribed, they may call a meeting of the shareholders, and cause a president and six managers to be chosen; and on the first Monday in May, in each year thereafter, the stockholders shall meet and elect a president and six managers, who shall continue in office for one year, and until their successors shall be elected: and if, from any cause, there shall happen a vacancy in the board, it shall be supplied by the election of some one to supply the vacancy, by the president and remaining managers, or by the remaining managers, if the office of president shall be vacant. The holders of stock shall be entitled to one vote for every share, up to the number of twenty, and one vote for every five shares over twenty. The shares shall be personal estate, and transferable as the stockholders or president and managers shall, by ordinance, prescribe; no one but a stockholder shall be a president or a manager.

And whereas, the commissioners appointed to receive subscriptions under an act incorporating a company to open a turnpike road from Lexington to the Kentucky, in the direction of the town of Richmond, in the county of Madison, did not open books of subscription on the day, and at the places prescribed in the act of incorporation: Therefore,

Sec. 5. *Be it further enacted*, That said commissioners, or a majority of them, may, notwithstanding the omission, proceed agreeably to said act, at such times and places as they, or a majority of them, may think proper, to accept and receive subscriptions to the capital stock of said company.

CHAP. DCCL.

1831.

AN ACT to incorporate a company for draining the ponds in Jefferson county.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James W. Thornberry, Matthew Love, George W. Meriwether, Benjamin Cothorn, David Meriwether, John Burks, Samuel Churchill, and Thomas Phillips, with their associates, shall be, and they are hereby created a body politic and corporate, for the purpose of draining the ponds in all that part of the county of Jefferson lying west of the Bardstown road, under the name and style of the president and managers of the Jefferson pond-draining company; and by that name and title, may sue and be sued, contract and be contracted with, plead and be impleaded, in all courts and places whatever, as natural persons: they may make and use a common seal, and alter and change the same at pleasure, and ordain and establish such by-laws and regulations, for the government of said company, and the management of its prudential concerns, as they may deem expedient, not contrary to the laws of this, or the United States.

Corporate powers.

SEC. 2. *Be it further enacted*, That they and their associates, may agree to pay an annual rate on the value of the lands in that portion of the county to be benefited by draining the ponds, with which to pay the expenses of draining the same, under the direction and management of said company; and the president and managers may cause the lands of themselves and their associates, to be valued, and fix the rate which shall be annually paid, for the purposes aforesaid, and collect and appropriate the same to that object: they may also receive subscriptions and donations from themselves and their associates, and other persons, in addition to the annual rate to be paid on the value of their lands; or they may determine to drain the ponds in that section of the county, by subscriptions among themselves and donations from others, as they may deem most expedient.

Funds of the company—how raised.

SEC. 3. *Be it further enacted*, That the persons named in this act, or those of them who shall determine to accept this charter, may select and choose a president and five managers, from among themselves, who shall transact the business of the company; they

President and managers to be chosen.

Their powers and duties.

1831.

may appoint a clerk, and keep a record of their proceedings, and appoint managers, and such other officers and agents as the business and object of the company may require; they may, from time to time, add and enter of record on their proceedings, as many persons as may apply, and they may deem expedient, as members of the corporation, and they shall provide, after the first election of a president and managers, for an annual election of a president and managers, on the first Monday in May, by the members of the corporation, and give notice of the time and place of holding the election, at which time they shall lay before the members of the corporation, an account of the receipts and disbursements of the company, for the preceding year, with such other information as they may deem expedient; and may call meetings of members of the corporation, at such other times as they may think the interest of the company requires: the corporation shall not be dissolved because of a failure to hold any annual election; but the president and managers shall continue in office until an election shall be held, and shall have the right to fill all vacancies which may happen, by death, failure to act, resignation, and removal.

Engineers may
be employed.

To hold the
land necessary
for the drains,
&c.

SEC. 4. *Be it further enacted,* That said president and managers may employ an engineer to examine and survey the ponds in that portion of the county, and to take the level and make report of the best practical mode of draining said ponds, and the number, routes, and distance of the drains deemed necessary; they may take, receive, and hold the title to the land which may be necessary for the drain, by contract with the proprietors, or they may take and hold the privilege of cutting such drain, and keeping it open; and they may buy, for the benefit of the company, any pond or ponds which they may propose to drain; and on draining them, may sell the same to aid in draining other ponds; and when the owner or proprietor of any pond, through which any such drain is proposed to be cut, shall refuse to give the necessary land for the drain, or the privilege of cutting the drain, and keeping it open, and will not sell the same to the company, the said president and managers shall have the right to apply to the Jefferson circuit court, for a summons against such persons, to appear and show cause why such drain shall not be cut, and every such person may claim a writ of *ad quod damnum*, which shall be issued and exe-

ated as other writs of that nature, emanating from the county courts, for the condemnation of a public road, are now by law, to be executed; and the jury shall be sworn and make return in like manner, and state in their verdict, what damage it will be to such proprietor, if any, and if not, what advantage, if any, it will be to him, and the court, on the damages and costs being paid, shall give said president and managers leave to cut such drain, and to keep the same open; and if no damages are awarded, then they shall give leave to cut and keep open such drain.

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SEC. 5. *Be it further enacted*, That the president and managers, after the cutting of any drain or drains, may agree with the proprietors, through whose land it will pass, to clean out and keep the same open, in such manner, and on such conditions as will best secure the interest and health of that portion of that part of the county; and they make return of every such drain, to the county court of Jefferson, who are required to appoint surveyors thereof, with an allotment of hands to keep the same open, in the same manner that they appoint surveyors of public roads, and allot hands to work the same: and when said company shall have drained all said ponds, and placed them under the management of the said county court of Jefferson, their corporate powers shall cease and determine.

County court of Jefferson may appoint surveyors to keep the drains open.

CHAP. DCCLI.

AN ACT to provide for opening a state road from the Yellow-Banks, by the way of Hartford, to Russellville.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel H. Curd and Samuel Linebough, of the county of Logan, and Samuel Arnold of the county of Butler, and Robert Render of the county of Ohio, be, and they are hereby appointed commissioners, to view and mark a state road, the nearest and best way from Hartford to Russellville; and it shall be the duty of the aforesaid commissioners, to make report to the county courts of Logan, Butler, and Ohio, of their proceedings.

Commissioners to view and mark the road.

And make report.

SEC. 2. *Be it further enacted*, That upon a report being made to either of the said county courts, it shall be the duty of said court to direct the opening of the

County courts to direct the road to be opened.

1831. said road, or so much thereof, as is within its jurisdiction.

Overseers and hands to be allotted.

SEC. 3. *Be it further enacted*, That the county courts of Logan, Butler, and Ohio, shall, at the next county court, (after they shall establish said road,) or as soon thereafter as may be convenient, lay off the same into convenient precincts, and appoint to each an overseer, and allow to each overseer a sufficient number of hands to perform the labor within his bounds; and the said overseer and hands shall be governed by the laws now in force for working on roads: and it shall be the duty of said overseer to cause said road to be opened thirty feet wide; the stumps well cut; the banks of creeks, and other sideling places to be well dug; and all marshy places to be well causewayed, so as to admit of a convenient passage for a stage or wagons.

Commissioners pay.

SEC. 4. *Be it further enacted*, That each of said commissioners, and surveyors, so employed, shall receive for his services one dollar per day for the number of days he may be necessarily engaged in the duty required by this act; which shall be paid by the counties through which said road passes, each by paying its own commissioners.

If any of the commissioners fail to serve, the others to fill the vacancy.

SEC. 5. *Be it further enacted*, That if either of said commissioners fail or refuse to act, it shall be the duty of the other commissioners to appoint another in his place; and it shall be the duty of said commissioners to commence at the town of Hartford, on the first Monday in April next, or as soon thereafter as practicable, and proceed to view and mark said road, as by this act required.

CHAP. DCCLII.

AN ACT for the benefit of the sheriff of Harrison county.

Approved, December 23, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Peter Barrett, sheriff of Harrison county, be allowed the time of sixty days, from the passage of this act, to return his delinquent lists; and that upon his presenting the same to the auditor of public accounts, shall allow him a credit therefor, as though the same had been done in proper time.

CHAP. DCCLIII.

1831.

AN ACT authorizing the appointment of a watch in the town of Russellville.

Approved, December 23, 1831.

WHEREAS, the citizens and trustees of the town of Russellville, have deemed it expedient to appoint a watch for said town, and it is doubted whether said trustees have the power to make such appointment: For remedy whereof,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Russellville, are hereby vested with full power and authority, to levy a tax upon said town, in manner and form as they are now authorized to levy a tax for other purposes, to raise a fund to pay such persons as they have selected, or may hereafter select, as a watch for said town.

Trustees to appoint a watch, and levy a tax to pay them.

SEC. 2. *Be it further enacted,* That if a majority of the citizens of said town, at their next annual election of trustees, shall, by their vote, express their wish in favor of the appointment of a watch for said town, the said trustees shall hereafter have full power and authority to employ one or more persons, as a watch, and raise funds, by a tax upon said town, for their compensation, and make such ordinances and by-laws as may be necessary for the conduct and control of said watch, and the regulation of his duties, as they may deem expedient, not inconsistent with the constitution and laws of this Commonwealth: *Provided,* that nothing herein contained, shall be so construed as to authorize the said trustees to levy a higher tax, in addition to the tax which they are now authorized to levy, than will raise an annual fund of five hundred dollars, for the purpose aforesaid.

Citizens to vote on the subject.

Proviso.

CHAP. DCCLIV.

AN ACT to authorize the clerk of the Hickman circuit court, to transcribe his order, execution, and memorandum-books.

Approved, December 23, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the clerk of the Hickman circuit court, shall transcribe and copy into new books, his present order-book, execution, and memo-

1831. random-books; and when the same shall be copied and transcribed as aforesaid, the judge of said court shall certify to the auditor of public accounts, how much said clerk shall be entitled to, for transcribing said books, at the rate of one cent and a half for every forty words so transcribed into said new books; and the auditor shall, thereupon, draw his warrant upon the treasurer for the same, which the treasurer shall pay to the said clerk, in notes on the Commonwealth's bank.

CHAP. DCCLV.

AN ACT for the endowment of a Seminary of learning in the town of Brandenburg, in Meade county, and for other purposes.

Approved, December 23, 1831.

Land appropriated.

Where to be located.

Trustees may fill vacancies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be granted to the Brandenburg academy, six thousand acres of land; and the trustees of said academy, for the time being, are hereby authorized and empowered, by themselves, or agents, within two years from the passage of this act, to cause to be surveyed the quantity of land hereby allowed to said academy, on any vacant and unappropriated land within this state, on the east side of the Tennessee river, each survey not to contain less than one hundred acres; and shall, moreover, cause a plat and certificate of each survey, to be returned to the surveyor's office of the county in which such survey may be, to be recorded, and the same shall be returned to the register's office of this state; and the register, without any fee, shall issue grants as in other cases: and the lands so patented, shall be vested in the trustees of said academy, and their successors, forever; and the lands shall be free from taxes, so long as they shall remain the property of said academy.

Sec. 2. Be it further enacted, That the said trustees shall have power, from time to time, to fill any vacancies which may happen in their own body.

CHAP. DCCLVI.

1831.

AN ACT to alter the time of holding the Owen circuit court.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, the May term of the Owen circuit court, shall commence on the first Monday in May, instead of the second Monday, as now required by law; and said court shall sit twelve juridical days, if the business therein shall require it.

SEC. 2. *Be it further enacted,* That all process made returnable to the May court, as it now stands, shall be made returnable as herein altered; and that all causes, civil and criminal, shall stand for trial to the term as herein changed: and recognizances made returnable to the term as it now stands, shall stand and be returnable to the term as herein changed.

SEC. 3. *Be it further enacted,* That, hereafter, there shall be no county court held in the month of May, in the county of Owen.

CHAP. DCCLVII.

AN ACT to allow additional constables to Russell and Pulaski counties.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be allowed to the county of Russell, one additional constable, to reside in the Long bottom, on Cumberland river; and one additional constable to the county of Pulaski, to reside in the neighborhood of James Higgons, on the Stanford road.

CHAP. DCCLVIII.

AN ACT for the benefit of the children of Andrew Luttrell and Hosea Smith, and for the benefit of the committee of John Atcheson.

Approved, December 23, 1831.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that the two infant children of Andrew Luttrell, are entitled

Preamble.

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to the one third of a house and part of lot number one, in Morganfield, in right of their deceased mother; and that the two infant children of Hosea Smith, are entitled to another third of said house and lot, in right of their deceased mother; and it is further represented, that the property cannot be divided, and that the house will go to decay; and that it is the opinion of the said Andrew Luttrell and Hosea Smith, that it would be to the advantage of their children respectively, that their interest in the house and lot aforesaid, should be sold, and their portion of the money arising therefrom, put out at interest: Wherefore,

The Union circuit court may decree a sale of a house and lot.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon a petition being filed in the Union circuit court, by the said Andrew Luttrell and Hosea Smith, in the names, and on behalf, of their respective children, setting forth their interest and title in the said house and lot, and that it would be to the advantage of the said children that the same should be sold, and their portion of the money arising therefrom put out at interest, it shall be the duty of said court to appoint two commissioners, who shall report to the court the situation and value of said house and lot; and if said court shall be of opinion, that it would be to the advantage of said children that their interest therein should be sold, it shall decree such sale, and appoint a commissioner to sell and convey the same: *Provided*, that such sale shall not be made by the commissioner, unless the interest of the said children shall be sold for the value fixed thereon, by the commissioners and court.

Luttrell and Smith to give bond.

SEC. 2. *Be it further enacted*, That the said Andrew Luttrell and Hosea Smith, before they shall be permitted to receive the money of their respective children, arising from the sale, shall, separately, give bond to the Commonwealth, in a penalty to be fixed, and with security, to be approved by the court, to pay the said money, and interest thereon, to the children entitled thereto, when they shall be authorized by law to receive the same.

Fayette circuit court may decree a sale of Atcheson's real estate, to pay his debts.

SEC. 3. *Be it further enacted*, That it shall and may be lawful, for William Atcheson and William McClellan, the committee of John Atcheson a lunatic, to file their petition or bill, in the Fayette circuit, making the proper parties and alleging that it will be for the benefit of his estate, that a part of his estate, real and personal, should be sold for the payment of

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his debts; and if upon the hearing of said cause by said court, upon proof being adduced, by affidavit or other competent testimony, the court should be of opinion that a sale of the estate of said Atcheson, would, under all circumstances, be most adviseable, to decree and order the sale of so much of the estate, real and personal, of said Atcheson, as in the opinion of said court, will be sufficient to pay the debts of said Atcheson, upon such credit as said court may deem proper; making all such orders and decrees as may be necessary to effectuate the object of this act, in or about his estate; and the said court shall, in the event of decreeing a sale as aforesaid, appoint the said committee to make the sales aforesaid, and to make any conveyances that may be necessary, in consequence of such sale.

SEC. 4. *Be it further enacted*, That the aforesaid committee shall be, and they are hereby invested with full power and authority, to carry into complete and full effect, or to cancel, with the assent of the other parties to any contract with said Atcheson, any and all such contracts, as to said committee shall seem most advantageous: *Provided, however*, that before said committee shall act, in making any sales or cancelling any contracts as aforesaid, they shall be required to give bond, with good security, in the Fayette circuit court, in such penalty as said court may prescribe, conditioned to discharge their duty faithfully, and for a faithful disbursement of the proceeds of said sales, to the objects and purposes of this act.

Committee may carry into effect, or cancel, certain contracts.

Committee to give bond.

CHAP. DCCLIX,

AN ACT to authorize repairs on the Capitol.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Davidson is authorized and required to examine the covering of the capitol, and cause the same to be so repaired or altered, as to prevent its leaking; and that he pay, out of any funds in the treasury, unappropriated, for such repairs or alterations, not exceeding five hundred dollars; and that he report his proceedings to the next legislature.

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CHAP. DCCLX.

AN ACT for the relief of the trustees of the first Presbyterian church in the city of Lexington.

Approved, December 23, 1831.

Preamble.

WHEREAS, the trustees of the first Presbyterian church in the city of Lexington, have applied to the legislature for the passage of an act authorizing them to dispose of certain leasehold estates they hold in said city, to enable them to pay the debts of the said church: Therefore,

Authorized to
sell lease-hold
estate.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a majority of the trustees of said church, for the time being, be, and they are hereby vested with full power to sell any such leasehold estates, in the city of Lexington, for the purpose of paying the debts of said church.

CHAP. DCCLXI.

AN ACT to encourage the publication of a Digest of the decisions of the Court of Appeals of Kentucky.

Approved, December 23, 1831.

Number of copies
taken by
the state.

The price.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the honorable Henry Pirtle filing in the office of the secretary of state, the certificate of Benjamin Hardin of the Senate, and of Thomas P. Wilson and John J. Crittenden of the House of Representatives, or a majority of them, that the digest of the decisions of the court of appeals of this state, which he proposes and is about to publish, is faithful and accurate, and worthy of public patronage, the secretary of state is hereby authorized and required to contract with the said Pirtle, for five hundred copies of said work, at the price of four dollars for every five hundred pages of printing contained therein, tables and references being taken into the calculation; the work to be printed on a fair legible type, in one or more medium octavo volumes, on good paper, well bound and lettered; but the notes and references in said work, made by the author, to English decisions, and works of general principles, are to be excluded in the calculation by which the state is to pay for this publication. When the said Pirtle shall deliver into the office of state, the aforesaid num-

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ber of copies of said digest of the decisions of the court of appeals, the secretary shall give a receipt for the same, and certify to the auditor of public accounts, the amount due for the same, at the aforesaid price; and the auditor of public accounts is thereupon directed to issue a warrant upon the treasury, in favor of said Pirtle, for the amount so certified; which shall be paid out of any money in the treasury not otherwise appropriated.

SEC. 2. The work is to contain a digest of all the decisions of the court of appeals, commencing with the printed decisions, and ending with the third volume of John J. Marshall's reports; the decisions on entries of land excepted.

The decisions the digest is to contain.

SEC. 3. So soon as the said work is received, the secretary of state shall proceed to have the same distributed in the following manner: one to each judge of the court of appeals; one to each circuit court judge; one to each county court attorney; and one to each Commonwealth's attorney; and one to the attorney general; one to each county and circuit court clerk; and one to the clerk of the court of appeals and general court; and one to the clerk of the Senate and House of Representatives each; and the residue to be deposited in the office of the secretary of state.

Digest to be distributed.

SEC. 4. When any of the officers entitled to a copy of said digest, and shall have received the same, upon his or their going out of office, such officer shall deposit the said copy with the clerk of the court where he or they shall have exercised the office, by virtue of which he became entitled to such copy; and upon the failure of any such officer to deliver up the copy aforesaid, he shall be subject to a fine, not exceeding three times the original price of said copy, with costs, recoverable before any justice of the peace, by the clerk who may be entitled to receive the same; and each clerk with whom such copy may have been deposited, shall deliver said copy to the successor in office of the person so depositing said copy: and when any fine is recovered as aforesaid, the clerk recovering said fine, shall purchase another copy of said digest, to be disposed of by him, to the person entitled thereto; and the balance of said fine to be appropriated as other fines are now directed to be appropriated by law. The clerk of the Senate and House of Representatives, respectively, at the close of each session of the General Assembly, shall deposit the copies belonging to their respective houses among the archives thereof.

Officers going out of office to deposit their copies with the clerks.

Penalty for failure.

Clerks of Senate and H. R. to deposit copies belonging to their houses in the archives of state.

1831.

CHAP. DCCLXII.

AN ACT to incorporate a company to build a Bridge across the Ohio river, at the falls.

Approved, December 23, 1831.

Names of the
company.

Corporate pow-
ers.

Not to have the
privilege of
banking.

Capital stock.

Books—when
to be opened.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Robert Breckinridge, John S. Snead, John I. Jacob, Robert Graham, Levi Tyler, Robert Ormsby, Edward Shippen, William D. Payne, Basil N. Hobbs, Philip R. Gray, James M^cG. Cuddy, James Hughes, John B. Bland, Daniel Smith, William H. Pope, James C. Johnston, Samuel Bell, Jonathan Jennings, Benjamin Park, Samuel Gwathmey, John P. Tunstall, and William D. Beach, with their associates, be, and they are hereby created a body politic and corporate, by the name of the Ohio Bridge Company, for the purpose of erecting and constructing a bridge across the river Ohio, at the falls thereof; and they and their associates and successors, shall continue and have perpetual succession, and by that name and style, are hereby made as capable in law as natural persons, to contract and be contracted with, to sue and be sued, to plead and be impleaded in this Commonwealth and elsewhere, in all courts of law or equity; to make, have, and use, a common seal, and the same to break, alter, or amend, at pleasure; they shall, also, have the power to purchase and hold as much real estate as will be necessary for the site of said bridge, or the sites for the piers, abutments, toll-houses, and suitable avenues leading to the same; also, to borrow money, not exceeding the capital stock mentioned in this act, but not to have or exercise the privilege of loaning money, or issuing bills or notes on banking principles; also, the power to ordain and establish such by-laws, ordinances, and regulations, as shall be necessary for the well being and government of said corporation, not contrary to the laws of this Commonwealth, the state of Indiana, or of the United States.

SEC. 2. *Be it further enacted,* That the capital stock of said company, shall consist of five hundred thousand dollars, divided into ten thousand shares of fifty dollars each, to be subscribed for or sold, in the manner hereinafter mentioned.

SEC. 3. *Be it further enacted,* That within sixty days after the passage of this act, and the confirmation of the same by the state of Indiana, the persons

before named, or a majority of them, shall cause a public advertisement to be made, of the time and place of opening books of subscription of the stock of said company; which books shall be kept open, under the direction of said persons, or a majority of them, not less than ten nor more than ninety days. If, however, at the closing of the subscription, it shall be found that a greater number of shares than ten thousand have been taken, then, and in that case, the persons before named, or a majority of them, shall proceed to reduce the number of shares, in an equitable and just proportion, among the subscribers, not reducing any one below twenty shares; and they shall have the right to demand and receive from every person subscribing for the stock of this company, a sum not exceeding ten nor less than one dollar, on each share subscribed, at the time of making the subscription; and no subscription shall be deemed valid, unless such payment is made, if required by the conditions of subscription.

1831.

May reduce
number of
shares.

To constitute a
valid subscrip-
tion.

SEC. 4. *Be it further enacted,* That when two thousand shares shall have been subscribed, the said persons, or a majority of them, shall advertise a meeting of the share-holders of said company at Louisville, giving at least fifteen days' previous notice of the time and place of such meeting; and the share-holders shall, thereupon, proceed to the election of a president and six directors, who shall be share-holders; and such of the before named persons who shall not then be share-holders, shall cease to be members of said corporation; and the said share-holders shall, also, proceed to fix what compensation the said president and directors shall be entitled to receive, if any be allowed: also, to ordain and adopt any such by-laws for the permanent organization of said corporation, as they may deem needful; at which meeting each share-holder shall be entitled to one vote for each share, to the number of twenty, and one vote for every ten shares over twenty and not exceeding one hundred, and one vote for every twenty shares above one hundred; and at all subsequent elections or general meetings of the stockholders, no shares shall be voted on that have not stood in the name of the person claiming to vote, at least three months' previous to the day of election or meeting; and that the shares in said company may be voted on by proxies, duly recorded, conforming to the foregoing regulations.

Where share-
holders are to
meet.

Who may be
president and
directors.

Compensation,
how fixed.

Number of
shares—how
voted.

Proxies may
vote.

1831.

First meeting
of president and
directors.

Their residence

Clerk or secre-
tary to give no-
tice.

Dividends to be
declared.

Number to con-
stitute a quo-
rum.

Powers as to a
forfeiture.

May sell for-
feited shares.

Clerk to be ap-
pointed;

And other offi-
cers.

Their pay.

SEC. 5. *Be it further enacted,* That the president and directors first chosen, shall hold their offices until the first Thursday in January ensuing such election, and until others shall be chosen in their places; and on the first Thursday in January in each year, the stockholders in said company shall meet at their office in Louisville, or at some place to be designated by the president and directors, and then proceed to the election of a president and six directors, who shall be share-holders and residents of the state of Kentucky or Indiana, and who shall hold their offices for one year, or until their successors shall be elected: public notice of such meetings and elections shall be given by the clerk or secretary of the company, in some public newspaper printed in Louisville, at least fifteen days previous thereto. At the annual meetings, a statement of the affairs of the company shall be made out by the president and directors, and presented to said meeting, and such dividends of the profits declared, as may be deemed advisable.

SEC. 6. *Be it further enacted,* That the concerns of said corporation shall be under the control, superintendence, and management, of the said president and directors; and the president and three directors shall constitute a quorum to transact business, or in the absence of the president, any four of the directors, one of whom shall act as president *pro. tem.* The president and directors, after they shall have been duly elected as aforesaid, may make such assessments on the shares of said company as are subscribed, payable at such periods as they may deem advisable, with such conditions of forfeiture for non-compliance, not exceeding the amount of the stock delinquent, as they may deem proper. They are to open, or renew, the subscription for the shares not already subscribed, or sell them, and any forfeited shares, as they may think best for the company: *Provided, however,* that no stock shall be sold by them for less than the par value thereof.

SEC. 7. *Be it further enacted,* That it shall be the duty of the president and directors to appoint a clerk or secretary, and cause a record of their proceedings to be kept; they may, also, appoint a treasurer, and such other officers or agents as they may think needful for promoting said undertaking: and to allow them such pay or compensation as they may agree on; to make contracts, and do all things necessary for carrying the same into immediate effect; and to require and

take such bonds or other surety, in their corporate capacity, from any person or persons they may so appoint or contract with: and in the event of the death, resignation, or vacancy from any other cause, of the president or any director, the survivors, or a majority of them, shall supply the vacancy until the next annual election, by the election of another share-holder.

1831.

Vacancies—
how supplied.

SEC. 8. *Be it further enacted*, That the said president and directors shall have the right to purchase or receive the conveyance or conveyances, of a site for said bridge, or sites for the abutments or piers of said bridge; and if they shall deem it advisable and advantageous to the company, one acre of land at each end of the bridge, over and above what is authorized to be purchased by the first section of this act.

May purchase
a site for the
bridge.

SEC. 9. *Be it further enacted*, That the said permanent bridge shall be erected so as to permit the passage of ships, schooners, sloops, and steam vessels, of the largest size and height, at the highest stages of the water in the river, and shall have, over the main channel on the Kentucky side, and also, over the main channel on the Indiana side, spans or arches, not less than two hundred feet wide, and the other spans or arches not less than one hundred feet; and when so erected and completed, the president and directors shall have a right to fix rates of toll for passing over said bridge, and to collect the same from all and every person or persons passing thereon, with their goods, carriages, or animals of every kind or description: *Provided, however*, that the said company shall lay before the legislature of this state, a correct statement of the cost of said bridge, and an annual statement of the tolls received for passing the same; and also, the cost of keeping the said bridge in repair, and of the other expenses of the company; and the said president and directors shall, from time to time, reduce the rates of toll, so that the nett profits shall not exceed twelve per centum per annum, after the proper deductions are made for repairs and other charges. Toll-gates may be kept, and toll received, at each end of the bridge; and the rates of toll shall be posted up, in some conspicuous place, where the toll is demanded.

Build so as to
permit vessels
to pass.

Tolls to be fixed,
and collected.

Proviso.

Profits not to
exceed twelve
per cent.

SEC. 10. *Be it further enacted*, That if any person or persons shall, willfully and knowingly, do any act or thing whatever, whereby the said bridge or any thing thereto belonging, shall be injured or damaged, the said person or persons so offending, shall forfeit

Fines for injury
done to the
bridge.

1831.

How recovered.

Fines on persons for passing without paying toll.

How recovered.

Certificates and transfer of stock—how made.

Stock reserved for Kentucky, Indiana, and Louisville.

Proviso.

Stock of the states and city—how to be voted at elections.

City of Louisville may raise money by a loan.

The time within which the stock is to be taken, and the bridge completed.

and pay three times the amount of the damages sustained, with costs of suit, recoverable before any court of competent and legal jurisdiction; and any person or persons who shall pass, or attempt to pass said bridge without paying the toll or tendering it, if there be any person present to receive it, shall forfeit and pay three times the amount of the toll or tolls which he, she, or they, were liable to pay for passing said bridge, recoverable before any justice of the peace in this Commonwealth; and if any person or persons shall, wilfully, set fire to said bridge, or burn the same or any part thereof, such person so offending, with their aiders or abettors, shall be guilty of arson.

SEC. 11. *Be it further enacted*, That certificates of stock in said company, shall be issued under the seal of the company, in the form and manner that shall be designated by the by-laws of the company, which shall designate the mode of transfer.

SEC. 12. *Be it further enacted*, That two thousand shares of the stock in said company, may be taken, and shall be reserved for the state of Kentucky; and two thousand shares may be taken, and shall be reserved for the state of Indiana; and two thousand shares may be taken, and shall be reserved for the city of Louisville: *Provided, however*, that the said states and city, or either of them, authorize any person or persons, to make the subscription for said stock, or any part thereof, within fifteen months from the passage of this act; and in case either of said states or the city of Louisville, become share-holders in said company, the shares held by them respectively, may be voted on at elections or other meetings, by the authorized agent or agents, designated by all or either of said states or city, in the same manner as the shares held by individuals, as designated in this act; and in case the mayor and council of the city of Louisville, should take the said two thousand, or any less number of shares in said company, they are hereby authorized to raise the necessary amount of money, by a loan, on the credit of the city, and a pledge of the stock so subscribed and taken by them.

SEC. 13. *Be it further enacted*, That this act of incorporation shall go into effect so soon after the passage thereof, as it shall receive the ratification of the legislature of the state of Indiana; and shall cease to have effect, if the stock shall not be taken to the extent of two thousand shares, within five years, and the

bridge be completed so far as to be passable, within ten years.

1831.

SEC. 14. *Be it further enacted*, That the said company shall be held liable and responsible, by any appropriate action, for all injuries sustained by vessels or boats, rafts of plank, timber, or other lumber, passing up or down said river, in consequence of the construction of said bridge, unless the injuries are sustained by negligence or want of competent skill, of those on board said vessels, boats, or rafts.

Company liable for injuries to vessels, &c.

SEC. 15. *Be it further enacted*, That it shall be lawful for said bridge company, at their own expense, to employ and furnish pilots, for directing boats or other vessels, rafts of plank, timber, or other lumber, through the bridge; and if any person navigating a boat or other vessel, raft of plank, timber, or other lumber, shall fail to take, or refuse the aid of a pilot furnished by the company, then such boat or other vessel, raft of plank, timber, or other lumber, shall be considered as passing the bridge at the risk of the owner or navigator.

To furnish pilots.

SEC. 16. *Be it further enacted*, That it shall be sufficient service of process on the corporation hereby created, to execute a summons on the president and secretary, or a majority of the directors and secretary of said company; and process so executed, shall authorize judgment at the first term, as in other cases, if no appearance should be entered, or plea filed.

Process—how served on the corporation.

SEC. 17. *Be it further enacted*, That it shall be the constant duty of the said bridge company, from time to time, to remove all timber, or drift of any description, which may lodge against any of the piers of said bridge; and if they fail herein, they shall be liable to a fine of ten dollars for every twenty-four hours it is suffered to remain, after allowing a reasonable time to remove the same, to be recoverable by indictment or presentment, in the Jefferson circuit court, and shall, moreover, be liable to any person sustaining any injury.

Drift-wood to be removed.

Penalty for a failure.

SEC. 18. *Be it further enacted*, That the legislature reserves the right to amend this charter, so as to secure the navigation of the Ohio river, free from any injury.

The right to repeal this charter reserved.

1831.

CHAP. DCCLXIII.

AN ACT to authorize the insertion of advertisements in the "National Republican," and "The Farmers' Record and Covington Literary Gazette."

Approved, December 23, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful to insert and publish in the "National Republican," to be printed in Glasgow; Kentucky, and in the "Farmers' Record and Covington Literary Gazette," any and all advertisements which are required and authorized to be published in any newspaper in the state of Kentucky, except such advertisements as are required by law, to be published in the paper of the public printer only; and the editors of said papers shall be governed by the same rules, and entitled to the same fees, as other printers in this Commonwealth.

CHAP. DCCLXIV.

AN ACT to incorporate a company to construct a turnpike road from Lexington, through Georgetown and Williamstown, to Covington; and from Georgetown to Frankfort; and for other purposes.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be formed, under the name, style, and title, of the Lexington and Covington turnpike road company, for the purpose of forming an artificial road from Covington, opposite the city of Cincinnati, to Lexington.

The company incorporated, and style thereof.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be three hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.

SEC. 3. *Be it further enacted,* That books, for the subscription of stock in said company, shall be opened on the first Monday in April next, at the town of Covington, Campbell county, under the direction of John Leathers sen'r., Henry Sawyers, and Thomas Sanford; at the town of Burlington, Boone county, under the direction of Willis Graves, James M. Clarkson, and James M. Gaines; at the town of Williamstown, Grant county, under the direction of Abraham Jonas and

Books for the subscription of stock to be opened—at Covington;

Burlington;

Williamstown.

Thomas L. M'Coy; at the town of Georgetown, Scott county, under the direction of J. T. Johnson, James H. Mahoney, James F. Robinson, William Rodes, James K. Luke, Job Stevenson, and Manlius V. Thompson; and at the city of Lexington, under the direction of Wm. H. Richardson, John Brand, John Tilford, David Megowan, Joseph Bruen, Thomas Stevens, Roger Quarles, and John M'Dowell jr.; or some two or more of them at each place, who are appointed commissioners. The said commissioners shall each procure a book, or books, and the subscribers to the stock of said company shall enter into the following obligation in said book, or books, to-wit: "We, whose names are hereunto subscribed, do promise to pay to the president, directors, and company, of the Lexington and Covington turnpike road company, the sum of one hundred dollars for every share of stock in said company set opposite to our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company. The said commissioners, or a majority of them, shall give notice in the newspaper printed in Covington, in the newspaper printed in Georgetown, in one or more newspapers printed in Lexington, and in one or more newspapers printed in the city of Cincinnati, Ohio, of the time and place of opening the books for the subscription of stock in said company; and that the same will continue open until the amount of capital stock shall be subscribed.

1831.

Georgetown;

and Lexington:
under the di-
rection of com-
missioners.Form of the ob-
ligation to be
given by sub-
scribers of
stock.Notice thereof,
time and place,
to be given.

SEC. 4. *Be it enacted*, That, so soon as the amount of capital shall be subscribed, the said commissioners, or a majority of them, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and six directors; who shall hold their office for one year, and until others shall be duly elected and qualified. The said president and directors shall, before they enter upon the duties of their appointment, take an oath before some justice of the peace, that they will faithfully discharge the duties of president, or directors, (as the case may be,) without favour or affection, according to the best of their judgment. That, upon the qualification of the president and directors, they shall appoint a treasurer, and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed. The treasurer of said company shall, before he enters into the duties of his office,

General meet-
ing of stockhol-
ders to elect a
president and
directors.President and
directors to take
an oath of of-
fice.To appoint
their officers.Treasurer to
give bond and
security.

1831.

Condition
thereof.

General corpo-
rate powers.

Calls upon the
stockholders—
when and in
what propor-
tions to be
made.

Capital stock
may be enlarg-
ed.

Regulations as
to voting the
stock at elec-
tions.

give bond, with two or more good securities, in the penalty of fifty thousand dollars, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer of said company; and that he will, when called on, pay the amount of money in his hands to the order of the president and directors; and that he will perform the duties required of him by the by-laws of said company.

SEC. 5. *Be it further enacted*, That, upon the election and qualification of the president and directors as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name, style, and title, of the Lexington and Covington turnpike road company; and by the said name, the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, hereditaments, and estate, real and personal, as shall be deemed necessary to them in the prosecution of their work; and to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatever: and, also, to have a common seal; and to do all and every other matter or thing, which a body politic or corporation may lawfully do.

SEC. 6. *Be it further enacted*, That the said president and directors, upon their entering on the duties of their office, may call upon the stockholders for the payment of ten dollars on each share subscribed in said stock, and may, if deemed necessary, call for ten dollars on each share, every sixty days, until the whole amount subscribed shall be paid; and if it shall be ascertained that the amount of capital is not sufficient to accomplish the object of this act, the said president and directors may enlarge the same to such amount as they deem necessary, and open subscription therefor in such manner as they may direct.

SEC. 7. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled, according to the number of shares he shall hold, shall be in proportion, as follows: for every share under five, one vote; for every two shares over five, and not ex-

1831.

ceeding ten, one vote; for every four shares over ten, one vote: and after the first election, no share or shares shall confer a right of voting which shall not have been holden three months previous to the election. The stockholders may vote in person, or by proxy; and no person who is not a citizen of one of the counties through which said road passes, and who is also a stockholder, shall be eligible to the office of president, director, or treasurer; and the president or directors shall cease to be such, on his or their ceasing to be a stockholder. The annual election for a president and directors, shall be held on the first Monday in April, at such places as the president and directors may direct; at which time, the president shall lay before the stockholders an expose of the situation of the said company, and, also, the record of their proceedings for the preceding year.

Qualification of officers.

Annual elections to be held, and statements submitted to the stockholders.

SEC. 8. *Be it further enacted,* That the president and directors, first chosen as aforesaid, shall deliver a certificate signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, to each share-holder, for each share by him subscribed and held; which certificate shall be transferrable on the books of the said corporation, in person or by attorney; but no share shall be transferred until all the calls and arrearages are paid thereon. The original certificate of the share or shares transferred, shall be surrendered, and a new certificate shall issue to the purchaser, who shall be a member of said corporation, and entitled to all the benefits and privileges that the original owner was entitled to.

Certificates of stock to be issued.

Shares may be transferred.

SEC. 9. *Be it further enacted,* That the president may call meetings of the directors, at such times and places as he may think proper; a majority of all the directors shall be necessary for the transaction of business. They shall keep a record of all their proceedings, to be entered in a book provided for that purpose, and shall be signed by the president; and in case of the absence of the president, the directors shall elect a president pro tempore, and they may adjourn, from time to time, as they may think proper.

Called meetings of directors.

To keep a record of their proceedings.

SEC. 10. *Be it further enacted,* That the president and directors shall have power and authority to agree with, and appoint all such surveyors, engineers, superintendents, artists, and officers, as they shall judge necessary, to carry on the contemplated work; and to fix their salaries and wages; to prescribe the time, man-

May appoint all subordinate officers, employ artists, workmen, &c. and fix their salaries.

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Regulate the calls to be made on the stockholders.

Notice of the calls to be given.

A per centage imposed for a failure to meet the calls.

Shares may be forfeited for a failure to pay the instalments, and sold.

Proviso.

May employ surveyors, engineers, &c., to survey and examine the lands &c. on the proposed route.

The route to be fixed by the president and directors.

ner, and proportions, in which the stockholders shall make payments, on their respective shares, to carry on the said work; to draw orders on the treasurer for all moneys necessary to pay the salaries or wages of persons employed, and for the labor and materials furnished, and to do all such other matters and things, as by this charter and the by-laws of the corporation, they are or shall be required to do.

SEC. 11. *Be it further enacted,* That the president shall give notice, in a newspaper printed at Cincinnati, Covington, Georgetown, and Lexington, for at least thirty days, of the amount of the call on each share of stock, and of the time of payment; and if any stockholder shall neglect or refuse to pay his proportion of the stock, for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of one per cent. per month, for every delay of such payment; and if he shall fail to pay the amount of such call, and the penalty aforesaid, for the space of six months, after the time of such payment is required, he shall forfeit such share or shares, to the corporation; and the amount that shall have been paid thereon; and the president, by order of the directors, shall sell the said shares at public sale, having advertised the same for ten days: *Provided*, the same will bring the amount of the balance due on said share or shares: *And provided*, that no stockholder shall vote at any election, or be entitled to any of the rights of a member of said corporation, unless the whole amount due and payable as aforesaid, on the share or shares by him held, shall have been paid, agreeably to the requisitions of the president and directors.

SEC. 12. *Be it further enacted,* That the president and directors shall employ such surveyors, engineers, artists, and chain carriers, as they may think necessary; and they are hereby authorized to enter in and upon the land, and enclosures, public roads, and highways, in, through, and over, which said intended road may be thought proper to pass, and to examine and survey the ground most proper for the purpose, and to examine the quarries, beds of stone, and gravel, and other materials necessary for the completion of said road; and they shall locate the said road on as direct a line as the ground will admit of, from Lexington to Covington, a majority of the president and directors concurring in the said location; and they shall cause

a plat of the said road, as located, to be made out and lodged with the treasurer of said company.

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SEC. 13. *Be it further enacted*, That it shall and may be lawful, for the president and directors, by and with their superintendents, engineers, artists, workmen, and laborers, with their tools and instruments, carts, wagons, and other carriages, and their beasts of draught and burthen, to enter upon the lands, in, and over, contiguous, and near to which the said intended road shall pass, having given notice of their intention to the owner and occupiers thereof, or their agents: *Provided*, that if the said owners or agents shall not agree with the said turnpike road company, as to the damages which he or she may be entitled to, then it shall be the duty of the said president and directors of said turnpike road company, to make application to the county court of the county in which said land may lie, for a writ of *ad quod damnum*, to assess the damages which may have been sustained by such party; and such proceedings shall, thereupon, be had, as are directed by law, in relation to the establishment of public roads; and the jury, in assessing damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages, by the establishment of said road; and upon payment or tender of the damages, it shall be lawful for said president and directors to open and make said road, and to dig and carry away any stone, gravel, earth, and other materials, necessary for making and repairing said road.

The company authorized to enter upon lands, &c., for the route and use of the road.

To have the same condemned by paying damages to the owner.

Mode of proceeding therein.

SEC. 14. *Be it further enacted*, That so soon as the president and directors and company, shall have completed any five miles of said road, they shall call on three justices of the peace, in the county in which said five miles, (or the major part thereof,) shall be located, who are no wise interested in the stock of said company, to examine the same; and if they shall certify that the said road is made in conformity to the provisions of this act, (which certificate shall be recorded in the office of the clerk of the county court of said county,) the president and directors may cause a gate to be erected across said road, and may collect the tolls and duties hereinafter granted to the said company, from all persons travelling with horses, cattle, or carriages: *Provided*, that no gate shall be erected within less than two-thirds of a mile of any incorporated town.

Toll-gates may be erected on any five miles of the road, when completed.

Proviso.

1831.

Toll-gatherers
appointed.

Rates of toll.

Penalty for re-
fusing or evade-
ing the payment
of toll.

How recovered.

Sec. 15. *Be it further enacted*, That so soon as the gate shall be erected as aforesaid, it shall and may be lawful for the president and directors, to appoint such and so many toll-gatherers as they may think proper, to collect and receive of, and from, all and every person or persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading, or driving any horse or mule, or driving any cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of pleasure or burthen, from passing through said gate or turnpike, until they shall have paid toll agreeably to the following rates, to-wit: for every twenty head of sheep, hogs, or other small stock, six and one fourth cents; for every ten head of cattle, six and a fourth cents; for every horse, mule, ass, or other four-footed animals of a larger kind, except cattle, four cents; for every two wheel pleasure-carriage, eight cents, exclusive of the beasts by which it is drawn, and the person or persons transported by it; for every four wheel pleasure carriage, sixteen cents, exclusive as above; for every cart, wagon, or other carriage of burthen, whose wheels shall not exceed four inches in width, twenty-five cents; for every such carriage of burthen, whose wheels shall exceed four inches, and shall not exceed six inches in width, twenty cents; for every such carriage of burthen, whose wheels shall exceed six inches in width, fifteen cents, exclusive of the beasts by which it is drawn.

Sec. 16. *Be it further enacted*, That if any person or persons liable to pay the tolls aforesaid, at either of the toll-gates erected in pursuance of the aforesaid provisions, shall, with an intent to defraud the company aforesaid, pass through any private gate or bars, or along, or over any grounds or lands, near to, or adjoining any turnpike or gate, or with intent aforesaid, shall take off, or cause to be taken off, any horse or other beast or cattle of draught, burthen, or pleasure, or shall practice any other fraudulent device, with intent to lessen or evade the payment of any such toll or duty, such person so offending, shall, for every such offence, respectively forfeit and pay to the president and directors, the sum of fifty dollars, recoverable before a justice of the peace, in like manner as other debts of equal amount, in the name of the president directors and company aforesaid.

Sec. 17. *Be it further enacted,* That if, at any time, the said road shall be out of repair, for the space of ten days, it shall and may be lawful for any person to call on two adjacent justices of the peace, in the county through which said road passes, to go and inspect said road; and if, upon inspecting the same, and receiving proof that it had been out of repair ten days, the said justices shall, by their order, delivered to the treasurer of said company, or in case of his absence, to the president or any of the toll-gatherers, direct that no toll or duty shall be received on said road, until the same shall be repaired and put in good order; and if any toll shall be taken or demanded after the delivery of such order, the said company shall forfeit and pay the sum of five dollars, for each and every offence, to be recovered as other debts of like amount, and upon service of process upon the acting president of said company, or any toll-gatherer: *Provided, however,* that said recovery shall only be had against the company, for the unlawful demand of the toll-gatherer nearest to that part of the road so declared to be out of repair: *And, provided further,* that there shall have been sufficient time to inform the gate-keepers of said order having been delivered to the president or treasurer, where that is the fact: and upon said road being repaired, the president and directors shall call two justices of the peace, in like manner, to examine the same; and if they shall be of opinion that the said road is in repair, they shall certify the same, and direct that the toll shall be demanded and taken, at the gate or gates, agreeably to the provisions of this act.

Sec. 18. *Be it further enacted,* That the president and directors shall keep a fair and just account of all moneys which shall be received by them, from the subscribers of the stock of said company; also, of all moneys expended by them in the prosecution of said work, and all costs, charges, and expenses of said road, shall be paid and discharged, and the aggregate amount, when ascertained, shall be entered on the books of the treasurer. The president and directors shall, at the end of every six months after the said road shall be completed, make a dividend of the clear profits, and pay the same to the stockholders. The dividends shall be declared on the first day of April, and the first day of October in each year; and should the nett profits be less than six per cent. upon the capital of said company, the president and direc-

1831.

The collection of tolls may be suspended, if the road is out of repair, until it is repaired.

Proceedings thereon.

Penalty for collecting tolls when the road is declared out of good repair.

How recovered.

Proviso.

Collection of tolls may be resumed upon repairing the road.

An account of the receipts and disbursements to be kept.

Semi-annual dividends of profits to be made.

1831.

The rate of
tolls may be in-
creased so as
to divide six
per centum on
the stock.

Proviso.

Further proviso

Printed rates of
tolls to be fixed
on the gates.

Wheel carri-
ages to keep to
the right-hand
side in passing
each other.

Penalty for fail-
ure.

Penalty for de-
manding great-
er tolls than al-
lowed by law.

Suits to recover
penalties to be
commenced
within six
months.

The elevation
of the road,
when graded,
not to exceed
4½ degrees.

Gate-keepers to
give bond and
security.

tors may, after the expiration of one year from the completion of said road, increase the tolls to such sums as will amount to six per cent. upon the capital expended in making said road: *Provided*, that the increase shall, after each half-yearly dividend, in which more than six per cent. per annum, shall have been ascertained for profits, be diminished, so as to make the nett profits not exceed six per cent. per annum, until the tolls shall be reduced to the rates fixed by the fifteenth section; after which, they shall remain as therein provided: *And, provided*, that the nett profits or tolls shall never exceed twelve per cent. on the capital stock originally invested in said road; and the legislature shall have power to provide for reducing them to that sum. The president and directors shall cause printed lists of the rates of toll which they may lawfully demand, to be affixed on or near the gates across said road.

SEC. 19. *Be it further enacted*, That all wheel carriages using said road shall, in passing other wheel carriages, keep on the right hand side, leaving the other side free and clear for wheel carriages to pass and repass, except when overtaking or passing a carriage of slower draught; and every carter, wagoner, or driver, offending against the provisions of this act, shall pay to any person suing for the same, the sum of five dollars, and also, all damages any person may sustain, recoverable before a justice of the peace.

SEC. 20. *Be it further enacted*, That if any toll-gatherer on said road, shall demand or receive from any person or persons using said road, any greater rate of toll than is allowed and authorized by this act, such toll-gatherer shall forfeit and pay, for every such offence, the sum of five dollars, recoverable by any person suing for the same, before any justice of the peace, as other debts of like amount. That no suit to recover the penalties under the provisions of this act, shall be maintained or prosecuted, unless the same shall have been commenced within six months after the offence was committed.

SEC. 21. *Be it further enacted*, That the road shall be so levelled and graded, that when completed, the elevation thereof shall not exceed four and one half degrees.

SEC. 22. *Be it further enacted*, That the president and directors shall take bonds, with good security, from the gate-keepers and other persons employed by

them, for the faithful discharge of the duties to them respectively assigned; which bonds they may cause to be renewed whenever they may deem it necessary; and shall be payable to the president, directors and company as aforesaid.

1831.

SEC. 23. *Be it further enacted,* That if after a writ of *ad quod damnum* shall have been executed under the preceding provisions of this act, it should become necessary for the said president, directors, and company, their engineers, agents, or laborers, to enter upon any land adjacent or near to the said road, for the purpose of obtaining materials for its construction, it shall and may be lawful for the said president, directors, and company, to obtain a writ of *ad quod damnum* from the county court of the county in which the land so entered upon may lie, and proceed to assess the damages sustained, or to be sustained, by the owner or owners of said land, proceeding as is required by this act, in relation to writs of *ad quod damnum* sued out in the first instance, as nearly as may be, consistent with such subsequent assessment.

Writs of *ad quod damnum* may be awarded to condemn land and materials for the construction of the road, and proceedings thereon.

SEC. 24. *Be it further enacted,* That if, at any time, it shall be found that, from any cause, the condemnation of the necessary ground for the construction of the said road shall not have been strictly regular, in the mode of proceeding, or the proceedings shall have been found to be illegal, the said president, directors, and company, shall apply to the county court of the county in which such land lies, for a further or other writ of *ad quod damnum*, and proceed according to the preceding provisions of this act, as nearly as shall be, consistent with the circumstances of the case, to assess the damages sustained, or which may be sustained by the owner or owners of the said land, by reason of the location and construction of said road.

When the proceedings are illegal or irregular, proceedings may be had *de novo*.

SEC. 25. *Be it further enacted,* That when the said road shall be completed, the said president, directors, and company, may contract for, purchase, and hold, to them and their successors forever, any quantity of land not exceeding one acre, at the site of each toll-gate erected upon the said road, agreeably to the provisions of this act; and if they cannot agree for such quantity of land, at their respective gates, with the owner or owners thereof, they may sue out, from the county court of the county in which the land proposed to be appropriated lies, a writ of *ad quod damnum*, directed to the sheriff, or other proper officer, commanding him

Sites for toll-gates may be purchased.

1831.

The ground may be condemned, as above, upon payment of damages,

to summon a jury of inquest to meet upon the said land, on the day fixed by the said writ, to assess the reasonable value of the land, and the damages which will be occasioned to the owner or owners thereof, by its condemnation to the use of the said corporation; which writ the sheriff or other officer shall proceed immediately to execute, agreeably to its command, giving to the owners of the land, or their guardians, or next of kin, if they be infants, at least three days' notice in writing, of the time and place of convening the said jury, and return the said inquest so taken by him, to the court of his county; and upon the payment, or tender, by the said president, directors, and company, of the value of the said land and damages, (if any,) so assessed, the said land shall become vested in the said corporation: *Provided, however,* that in the selection and appropriation of land under this section, the said president, directors and company, shall not include the dwelling house, out-houses, orchards, or gardens of any person, without their consent; and shall not so locate the said land, as to prevent the owner or owners of the adjacent lands, from access to the said road, on either side of any gate, to which they would have had access, if such location had not been made.

Proviso.

A company incorporated to construct a turnpike road from Frankfort to Georgetown, with like powers, &c.

SEC. 26. *Be it further enacted,* That a turnpike road company is hereby created, to be called and known by the name of the Georgetown and Frankfort turnpike road company; and they are hereby vested with all the rights, powers, privileges, and jurisdiction over said road, as are conferred by this act, on the Lexington and Covington turnpike road company. They are authorized to construct a M'Adamized road from Georgetown to Frankfort, and to charge the same rates of toll as are allowed by this act to the company aforesaid: *Provided,* that they shall not charge a greater rate of toll, than will divide to the stockholders, more than ten per cent. on the capital stock subscribed.

Proviso.

Books for the subscription of stock therein—when & where to be opened.

SEC. 27. *Be it further enacted,* That books shall be opened, for the subscription of stock in said company, at Georgetown, on the third Monday in March next, under the superintendence of B. S. Chambers, Charles Buford, William Johnson, and Robert M. Ewing; and in the town of Frankfort, on the third Monday in March, under the direction of Peter Dudley, C. Samuel, E. P. Johnson, and Ezra Richmond, who are

hereby appointed commissioners for that purpose, And said commissioners shall, in all things, be governed by the powers given to the commissioners in the aforesaid Lexington and Covington turnpike road company.

1831.

Sec. 28. *Be it further enacted,* That after said capital stock shall be subscribed, which capital shall be seventy-five thousand dollars, the said commissioners shall call a meeting of the stockholders in said company, in Georgetown, who shall then elect a president and six directors, who, in all things, shall be governed by the law incorporating the Lexington and Covington turnpike road company.

Amount of capital stock.

President and six directors to be chosen.

Sec. 29. *Be it further enacted,* That the county courts of Scott and Franklin counties, are hereby authorized to subscribe for stock in said turnpike road company, and to meet said subscription, to impose such addition to their present county levy, as may be necessary; and that the profits arising from said stock so subscribed, shall forever go towards lessening the county levies in said counties.

The county courts of Scott and Franklin may subscribe for stock therein.

Sec. 30. *Be it further enacted,* That the different county courts through whose counties the Lexington and Covington turnpike road may pass, may subscribe for any number of shares of stock in said company, as they may deem proper; and the profits arising from said stock, shall be applied to lessening the county levy.

The county courts authorized to subscribe for stock in the Lexington and Covington road.

Sec. 31. *Be it further enacted,* That the legislature reserves the power to purchase out the stockholders in said company, upon the payment of the amount of stock actually paid in, and expended on said road; and thereafter, the said road shall be free to all persons traveling thereon.

Reservation of power by the legislature.

Sec. 32. *Be it further enacted,* That the capital stock of the board of internal improvement for Shelby county shall be, and the same is hereby increased to the sum of one hundred thousand dollars.

Capital stock of Shelby board of Internal Imp. increased.

Provided, however, That so soon as thirty thousand dollars shall be subscribed as capital stock in said company, by the citizens of Scott and Fayette counties, it shall be lawful for the commissioners in said counties, to call a meeting of said stockholders, in the town of Georgetown, to elect a president and six directors, who may, forthwith, proceed to the construction of said road between Georgetown and Lexington; and the charter, with all its powers, rights, and jurisdic-

This charter may be limited to construction of a road from Georgetown to Lexington, unless the entire stock is taken in 12 months.

1831.

Provided.

The Lancaster
turnpike com-
pany incorpo-
rated.

With the same
powers, rights,
privileges, tolls,
&c.

To construct a
road from
mouth of Sugar
creek to the
middle fork of
Gilbert's creek.

Provided.

Books of sub-
scription—when
and where to
be opened.

Commissioners
—how to be
governed.

tions, shall apply exclusively to said road, unless said capital stock shall be subscribed for the entire road within twelve months. In the event of the whole number of shares on said road from Lexington to Covington being subscribed within twelve months, then the organization of said company shall take place, as required by this charter; and the work performed between Lexington and Georgetown, and the stock subscribed in Scott and Fayette counties, shall be attached to said Lexington and Covington turnpike road company: *Provided further*, that if the whole stock shall not be subscribed in twelve months, the aforesaid company between Georgetown and Lexington, may extend said road to Covington, at any time within ten years, if the capital stock shall be subscribed.

SEC. 33. *Be it further enacted*, That a turnpike company is hereby created, to be called and known by the name of the Lancaster turnpike road company, and they are hereby vested with all the rights, powers, and privileges over said road, that are conferred by this act, on the Lexington and Covington turnpike road company. They are authorized to construct a M'Adamized road from the mouth of Sugar creek in Garrard county, to Lancaster, and thence to the middle fork of Gilbert's creek, where the Crab-Orchard road crosses the same; and to charge the same rates of tolls that are allowed by this act to the Lexington and Covington turnpike company: *Provided*, that they shall not charge a greater rate of toll than will divide to the stockholders more than ten per centum per annum, on the capital stock subscribed.

SEC. 34. *Be it further enacted*, That books shall be opened for subscription of stock in said company, at Lancaster, on the third Monday in January next, under the superintendence of Geo. Robertson, Sidney S. Wilmot, Simeon H. Anderson, Horatio Bruce, and Isaac Marksberry, who are hereby appointed commissioners, and who shall have full power to receive subscriptions of stock in said company; and in receiving subscriptions, and doing all other things, they shall have the same powers, and be governed by the same rules and regulations that are given and prescribed to the commissioners in the aforesaid Lexington and Covington turnpike company: *Provided, however*, that in the exercise of their powers, they are to adapt their actings and doings to the objects intended by the creation of the Lancaster turnpike road company.

SEC. 35. *Be it further enacted,* That the capital stock of said company shall be twenty thousand dollars, to consist of shares of one hundred dollars each; and that after sixteen thousand dollars shall be subscribed, the said company shall call a meeting of the stockholders in said company, in the town of Lancaster, who shall then elect a president and six directors, who shall be vested with all the power and authority of the president and directors of the Lexington and Covington turnpike company, and who may, immediately thereafter, proceed to the construction of said road; and, in all things, shall be governed by the law incorporating the Lexington and Covington turnpike road company, except in those particulars in which a different rule may be herein prescribed.

1831.

Amount of capital stock.

SEC. 36. *Be it further enacted,* That toll gates may be erected on every four miles of said road; and that so soon as four miles of the road shall be constructed, a gate may be erected, and tolls received, according to the rates allowed by law.

Toll-gates may be erected every 4 miles when constructed.

SEC. 37. *Be it further enacted,* That the width of the artificial part of said roads, covered with rock, shall be eighteen feet, and on each side of said artificial part of said roads, covered with rock, there shall be kept a smooth road of dirt, ten feet wide, except as to the Lancaster road, which may be sixteen feet, as to the artificial part, covered with rock, and no dirt-road on each side: *And provided,* that no toll shall be required of a person passing or repassing from one part of his farm to another, or to or from any funeral, or from militia men on days of training, or attending courts of assessment, or from electors going to and from an election, or from grand jury and venire men, going to or returning from court when summoned, or public expresses, or persons going to or from a place of worship on the Sabbath.

Width of the road, and in what manner to be constructed.

Exemptions from payment of tolls, &c.

CHAP. DCCLXV.

AN ACT to amend an act, approved, January 29, 1830, incorporating the Green River Navigation Company.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the capital stock of said company shall be, hereafter, forty-five thousand

The amount of capital stock reduced.

1831. dollars, (and not sixty thousand, as heretofore,) to be divided into shares of twenty-five dollars each.

Sec. 2. Be it further enacted, That books, for the subscription of stock in the said company, shall be opened on the first Monday of March, 1832, in the town of Bowlinggreen, under the direction of Isaac Reese, Thomas Waigly, and Henry Shanks; in the town of Glasgow, under the direction of Richard Gannett, Benedict B. Crump, and Henry Crutcher; in the town of Brownsville, under the direction of John Roundtree and Augustus M. Barrett; in the town of Munfordsville, under the direction of George T. Wood and Samuel Garvin; in the town of Greensburg, under the direction of Elijah Creel, Wm. H. Stovall, and P. B. Atwood; in the town of Litchfield, under the direction of Jack Thomas and James H. Wortham; in the town of Greenville, under the direction of E. M. Brank and Wm. Kincheloe; in the town of Morgantown, under the direction of Robert B. Morrison and William L. Skillern; in the town of Hartford, under the direction of John H. M'Henry and Richard Elliott; in the town of Martinsville, under the direction of Alexander Johnston and Stephen Claypole; in the town of Franklin, under the direction of John L. Moore and John Finn; in the town of Scottsville, under the direction of George W. Mansfield and James C. Mulliken; in the town of Owenborough, under the direction of David Morton, John Johnson, and John Moseley sen'r.; in the town of Russellville, under the direction of Richard Bibb jun. and William I. Morton; in the town of Henderson, under the direction of Wm. D. Allison and James Alvis; in the town of Madisonville, under the direction of Gen. Stephen Ashby and Richard Donville—or some one of them—who are hereby appointed commissioners; who shall procure a book or books, and obtain subscribers, in manner and form as prescribed by the law to which this is an amendment; and the commissioners aforesaid shall keep open said books two years, unless the stock is sooner taken.

Books for the subscription of stock to be opened—at Bowlinggreen;

Glasgow;

Brownsville;

Munfordsville;

Greensburg;

Litchfield;

Greenville;

Morgantown;

Hartford;

Martinsville;

Franklin;

Scottsville;

Owenborough;

Russellville;

Henderson;

Madisonville.

Books to be kept open two years.

A general meeting of the stockholders to be called, for election of officers, when one-third of the stock is subscribed,

Sec. 3. Be it further enacted, That, so soon as the amount of one third of the capital stock of said company shall be subscribed, the said commissioners shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for president and ten directors, who shall hold their office for one year, and until others shall be elected and

qualified; whose powers and duties shall be as defined and prescribed in the original act, to which this is an amendment.

1831.

SEC. 4. *Be it further enacted,* That the said company shall first commence their improvement and operations wherever they may deem it most expedient, on Green river, so that they be confined to the three falls, or rapids, of said river, commencing at the Vienna falls first.

Improvements; where to be first commenced.

SEC. 5. *Be it further enacted,* That it shall be lawful for the Governor of the Commonwealth of Kentucky, for the time being, to subscribe any number of shares of stock in said company, not exceeding the amount provided for in the original act, for and on behalf of the Commonwealth, whenever it shall be certified to him, by the president and directors of said company, that one third of said stock has been subscribed by individuals, and actually paid in.

The Governor to subscribe for stock on behalf of the state, upon certain conditions.

SEC. 6. *Be it further enacted,* That the twentieth section of the act, to which this is an amendment, be, and the same is hereby repealed. And, whereas, it is doubtful whether the act, approved, January 29, 1830, still remains in full force and virtue: Therefore,

The 20th section of original charter repealed.

SEC. 7. *Be it further enacted,* That the same be, and is hereby revived, except so far as it is amended and repealed by this act.

The act of 1830 declared in full force.

SEC. 8. *Be it further enacted,* That fifteen thousand dollars of the said capital stock be reserved, until the first day of September next, for the subscription of the government of the United States, if it shall, at the next session of Congress, make provision for such subscription.

Stock reserved for subscription by U. States.

CHAP. DCCLXVI.

AN ACT further to regulate the militia correspondence, and for other purposes.

Approved, December 23, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, it shall be the duty of the quarter-master general, to forward blank forms of estimates for camp equipage, &c. for division, addressed to the respective major generals, and blank forms of estimates for brigades, regiments,

The blanks for division and brigade returns to be franked by the Adjutant General to Major and Brigadier Generals.

1831.

The Quarter Master General authorized to have the public arms returned to the arsenal.

Division and brigade returns, &c. to be made to the Adjutant General.

The Adjutant General authorized to frank communications to the Major & Brigadier Generals.

His salary.

The Adjutant and Quarter-master Generals to rent offices.

Brigade Inspectors to report the state of the public arms.

Proviso.

and companies, addressed to the brigadier generals, and hand the same to the adjutant general, to be franked by him. It shall, also, be the duty of the quarter-master general, whenever he ascertains that the public arms which have been distributed, and in the possession of independent companies, are not kept in an arsenal or room for that purpose, but are distributed among the individual members of the company, and are in bad order, to require the officers who gave bonds for the same, to return them to the arsenal, at Frankfort, within a reasonable time.

SEC. 2. *Be it further enacted*, That the major-generals and brigadier generals, shall, in future, transmit their estimates for camp equipage, annual returns and nominations for offices, to the adjutant general; whose duty it shall be, to hand over the same to the governor or quarter-master general, as the case may be.

SEC. 3. *Be it further enacted*, That it shall be the duty of the adjutant general, to frank all letters or packages addressed by the quarter-master general to any major general or brigadier general; and shall receive all returns made to the quarter-master general, which he shall hand to him on application; for which services the adjutant general shall be allowed a compensation of fifty dollars per annum, to be paid quarterly, as heretofore.

SEC. 4. *Be it further enacted*, That the adjutant and quarter-master general, each, be authorized to rent a room, in which their offices shall be kept, until otherwise provided for by law; and that the auditor of public accounts be directed to issue his warrant on the treasurer for the amount thereof, when certified by them: *Provided, however*, the rent of both offices shall not exceed one hundred dollars per annum.

SEC. 5. *Be it further enacted*, That it shall be the duty of the brigade inspectors, to examine into the condition of the public arms, and report specially, to the brigadiers, who shall transmit the same to the adjutant general, to be handed by him to the quarter-master general: *Provided, however*, that if any brigade inspector fails to make such report, he shall be fined, by a brigade court-martial, in any sum not less than twenty dollars, nor more than fifty dollars.

CHAP. DCCLXVII.

1831.

AN ACT for the benefit of Richard Elliott.

Approved, December 23, 1831.

WHEREAS, Richard Elliott, captain of a light infantry company, in the 49th regiment, with securities, executed a bond to the Commonwealth of Kentucky, in the penalty of \$2000, dated 10th September, 1825, and on file in the secretary's office, conditioned to account for and deliver to said Commonwealth, sixty stand of arms, to-wit, muskets with accoutrements for the same, whenever required, which he was about to receive: and whereas, two of said muskets, with the accoutrements for the same, have been casually destroyed, in the dwelling house of Richard Taylor, sr. in Ohio county, by fire: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Elliott and his securities be, and they are hereby released from all liability on said bond, so far as it regards the two muskets, with the accoutrements for the same, destroyed as aforesaid.

CHAP. DCCLXVIII.

AN ACT to change the times of holding the courts for the Lewis circuit.

Approved, December 23, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, the circuit court for the Lewis circuit, shall commence on the Wednesdays succeeding the fourth Mondays in March, June, and September; and that all process, and bonds, or recognizances, returnable to the March term of the said court, as heretofore held, shall be taken and considered as returnable to the time fixed by this act for holding the said March term.

CHAP. DCCLXIX.

AN ACT for the benefit of Willis M'Coy.

Approved, December 23, 1831.

WHEREAS, it is represented that Willis M'Coy is entitled to two hundred acres of land, as assignee of William Stewart, who was assignee of Mark Hardin,

1831.

who, by virtue of a sale, in the name of Hugh Gillehan, became the purchaser thereof, for the third instalment due thereon, lying on Grassy creek, a branch of big Muddy creek, entered and surveyed by virtue of the commissioner's certificate, granted in 1796, No. 165; that all the instalments have been since paid; and that the platt and certificate of survey have not been filed in the register's office, as required by law, and are now lost or mislaid; and that the original proprietor has removed from this Commonwealth, or departed this life: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register be, and he is hereby required to issue a patent to Willis M'Coy, to said land, in conformity to the original survey, on said M'Coy's filing a copy thereof, together with all the transfers and assignments from said Gillehan to himself, and the receipt of the auditor, of the payment of the instalments on the original certificate of the commissioners, in full.

CHAP. DCCLXX.

AN ACT to provide for the erection of a bridge across Rockcastle river, on the turnpike and wilderness road.

Approved, December 23, 1831.

Commissioners appointed to build a bridge across Rockcastle river.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Wesley Parish, John Jarman, Nicholas Hocker, Jeremiah Broddus, and Thomas Jones, or any three of them be, and they are hereby made commissioners, to contract for, and superintend the building of a bridge across Rockcastle river, on the turnpike and wilderness road.

To be let to the lowest bidder.

Notice to be given.

SEC. 2. *Be it further enacted,* That said commissioners shall contract for the building of said bridge, at the site of the same, by letting out the building thereof to the lowest bidder; the time and place of letting out the same being first advertised for four weeks preceding the same, in the Farmers' Chronicle, printed in Richmond.

To be built on stone pillars, &c.

SEC. 3. *Be it further enacted,* That the said commissioners shall contract for having the said bridge built on three large, well constructed. stone pillars; the wood work of the strongest and most durable kind.

SEC. 4. *Be it further enacted,* That the sum of two thousand dollars, one thousand of which to be paid

out of the treasury, in Commonwealth's bank notes, and one thousand dollars to be paid out of the funds arising from tolls, at the gate upon the Madison fork of the turnpike and wilderness road, be appropriated towards building said bridge; but the said sum is not to be paid until the commissioners aforesaid, shall report to the auditor of public accounts, under their hands and seals, that the said bridge is completed according to the provisions of this act; to the truth of which report, said commissioners shall make oath.

1831.

Appropriation made, and mode of payment.

SEC. 5. *Be it further enacted*, That the commissioners aforesaid shall, in making a contract for building said bridge, enter into writings with the undertaker, and take from said undertaker, bond and good security, that the bridge contracted to be built, shall stand and be fit for use, for ten years after it is completed; and such bond shall be lodged in the auditor's office, with the report aforesaid, and placed in suit at the instance of any of said commissioners, in case the stipulations of said bond be not complied with or are broken; and the amount recovered shall be appropriated to repairing said bridge.

The undertaker to give bond and security.

Condition thereof.

SEC. 6. *Be it further enacted*, That the commissioners aforesaid, shall be allowed one dollar per day each, for each and every day they shall spend in attending to the erection of said bridge; to be paid out of the public treasury, on their making affidavit of the number of days they are respectively employed in superintending the erection of said bridge.

Allowance to commissioners.

SEC. 7. *Be it further enacted*, That neither of the commissioners aforesaid, shall be, either directly or indirectly, interested in the undertaking to build said bridge.

Commissioners not to be interested in the contract.

CHAP. DCCLXXI.

AN ACT for the appropriation of money.

Approved, December 23, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following sums be paid out of any money in the treasury not otherwise appropriated, viz:

Allowances made to—

To the Speakers of the Senate and House of Representatives, four dollars per day each.

Speakers Senate and H. R.

To the Clerks of the Senate and House of Representatives, sixty dollars per week each.

Clerks Senate and H. R.

1831.	To the Sergeants at arms of the Senate and House of Representatives, twenty-one dollars per week each.
Door-keepers.	To the Door-keepers of the Senate and House of Representatives, twenty-one dollars per week each.
Assistant clerks	To the assistant Clerks of the Senate and House of Representatives, thirty dollars per week each.
Clerks Senate and H. R.	To the Clerks of the Senate and House of Representatives, forty dollars each, for four days' services after the session, in preparing the acts for publication and arranging the papers.
Wm. Wood.	To William Wood, for stationary furnished the Senate and House of Representatives per bill, three hundred and sixty-three dollars eighty-five cents.
M. B. Morrison	To Moses B. Morrison, for his bill of stationary for the House of Representatives, forty-four dollars.
Public printer.	To Albert G. Hodges, public printer, in advance for his services the ensuing year, twelve hundred dollars.
J. Davidson.	To James Davidson, for repairs on the capitol, seventy-three dollars forty cents.
R. K. Stout.	To R. K. Stout, for repairs to Representative chamber, sixteen dollars.
T. M'Grain.	To T. M'Grain, for repairs on the capitol, one hundred and fourteen dollars twenty-eight cents.
T. S. Page.	To Thomas S. Page, for sixty cords of wood, one hundred and twenty dollars.
Taylor & Son.	To Joseph Taylor and Son, per account rendered, nine dollars thirty-seven and an half cents.
Braxton and Tilman.	To Braxton and Tilman, (black men,) for services rendered the Senate and House of Representatives, ten dollars each.
Lunatic Asylum.	To the commissioners of the Lunatic Asylum, for supporting the lunatics in said institution for the ensuing year, and making an addition to the buildings, ten thousand dollars.
Jas. Garrard.	To James Garrard, for rent of his house for offices of the adjutant and quarter-master general, sixty dollars in silver.
Door-keepers Sen. and H. R.	To the Door-keepers of the Senate and House of Representatives, six dollars per week each, for furnishing water, making fires, &c. for the Senate and House of Representatives during the present session.
W. Wood and A. C. Keenon.	To William Wood and A. C. Keenon, for binding two thousand copies of the acts of the present General Assembly, three hundred dollars each; also, sixty-two dollars and fifty cents each, for binding two hundred and fifty copies of each of the journals of the

present session, one half of which sum shall be paid in advance, and the balance upon their producing to the auditor the secretary's certificate of the delivery in his office, of the number of copies hereby authorized to be bound: *Provided*, that if the full number of copies allowed to be bound, as aforesaid, shall not be furnished the secretary, a deduction at the rate of thirty-three and one third cents for each copy of the acts, and fifty cents for each copy of the journals so wanted, shall be made.

1831.

To Bacon and Johnson, for articles furnished the court of appeals, twenty-six dollars eighty-seven cents. Bacon and Johnson.

To Thomas M'Grain, for stove pipes, sheet iron, &c. furnished the court of appeals, forty dollars fifty-seven cents. T. M'Grain.

To Moses B. Morrison, for stove, &c. furnished the court of appeals, forty-eight dollars. M. B. Morrison.

Sec. 2. *Be it further enacted*, That the auditor of public accounts be directed to settle with Jacob H. Holeman, for the residue of his account for public printing; and to issue a warrant on the treasury, in his favor, for such sum as may be due. J. H. Holeman

To William Shackelford, as per account, one hundred and fifty dollars. W. Shackelford

To A. C. Keenon, as per account, three dollars. A. C. Keenon.

To Charles Hutchison, as per account, forty-eight dollars. C. Hutchison.

To John Brown, John Harvie, Peter Dudley, and James Shannon, the sum of five hundred dollars each, for their services in superintending the rebuilding of the capitol. Commissioners of state-house.

CHAP. DCCLXXII.

AN ACT for the benefit of Mary Ann Flournoy.

Approved, December 23, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Matthews W. Flournoy and his wife Mary Ann Flournoy, be, and the same is hereby dissolved, so far as relates to the said Mary Ann; and that she be restored to her maiden name of Mary Ann Conn.

RESOLUTIONS.

A RESOLUTION fixing a day for the election of a Senator in Congress.

Approved, November 10, 1831.

Resolved, by the Senate and House of Representatives, That on the tenth day of this month, they will proceed to the election of a Senator to serve in the Senate of the United States, for six years, commencing from the third of last March, to fill the vacancy occasioned by the term of John Rowan Esq. having expired on the third of last March.

JOINT RESOLUTION for the appointment of committees to examine and report the condition of the Auditor's, Treasurer's and Register's offices, Bank of Kentucky, Bank of the Commonwealth, and the Penitentiary.

Approved, November 21, 1831.

Resolved, by the Senate and House of Representatives, That a committee, of three from the Senate and six from the House of Representatives, be raised to examine and report the condition of the Auditor's office. That a committee, of three from the Senate and six from the House of Representatives, be raised to examine and report the condition of the Treasurer's office. That a committee, of three from the Senate and six from the House of Representatives, be raised to examine and report the condition of the Register's office. That a committee, of three from the Senate and six from the House of Representatives, be raised to examine and report the condition of the Bank of Kentucky. That a committee, of three from the Senate and six from the House of Representatives, be raised to examine and report the situation of the Bank of the Commonwealth of Kentucky: and, that three from the Senate and six from the House of Representatives, be appointed to examine and report the condition of the Penitentiary.

A JOINT RESOLUTION fixing upon a day for the election of a Treasurer, Public Printer, President and Directors of the Bank of Kentucky, and a President and Directors of the Bank of the Commonwealth of Kentucky.

Approved, December —, 1831.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That they will, by a joint vote of both Houses, on the 17th day of this instant (December,) 1831, proceed to the election of a Treasurer, Public Printer, a President and Directors of the Bank of Kentucky, and a President and Directors of the Bank of the Commonwealth of Kentucky.

A RESOLUTION to burn a portion of the notes of the Bank of the Commonwealth.

Approved, December 23, 1831.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the Bank of the Commonwealth, shall, on or before the first Monday in April, in the presence of the Auditor and Treasurer, destroy, by burning, one hundred thousand dollars, in the notes of said Bank, that have been redeemed from circulation.

A RESOLUTION to cancel the bonds given by the Commissioners for rebuilding the Capitol.

Approved, December 23, 1831.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the bonds executed by Peter Dudley, John Brown, John Harvie, and James Shannon, commissioners for building the Capitol, which are filed in the office of the Secretary of State, be cancelled and given up to them, upon their depositing the vouchers and other papers relating thereto, in the office of the Secretary of State.

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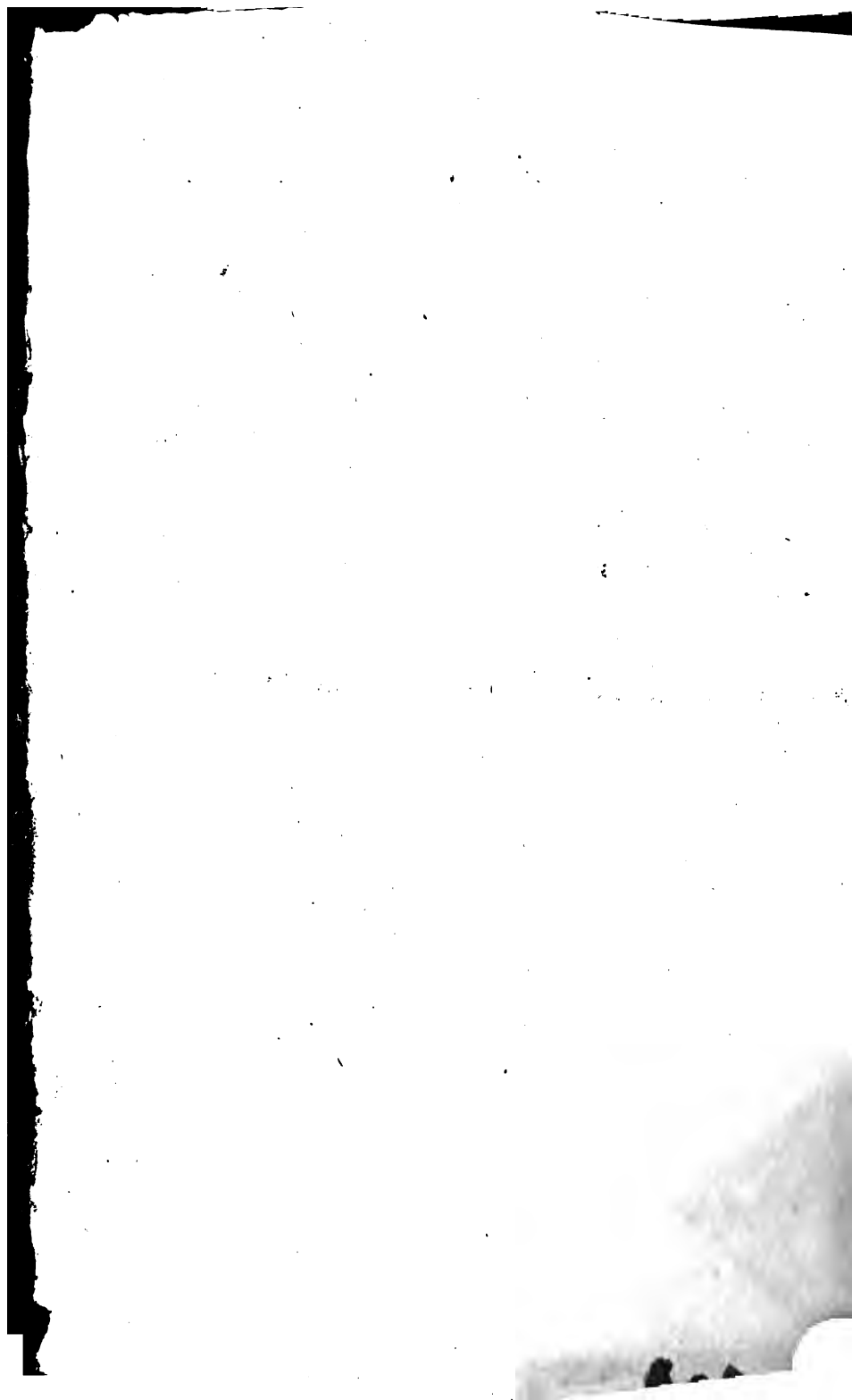
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